

**WAYS AND MEANS, REAL ESTATE TRANSACTIONS
AND FINANCE
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A meeting of the Ways and Means, Real Estate Transactions and Finance committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Wednesday, **January 22, 2003** in the Rose Y. Caracappa Auditorium at 9:30 A.M.

Members Present:

Legislator George Guldi, Chairman
Legislator Andrew Crecca, Vice Chairman
Legislator David Bishop, Member
Legislator Michael Caracciolo, Member
Legislator Ginny Fields, Member
Legislator Vivian Vilorio-Fisher, Member
Legislator Martin Haley, Member

Also in Attendance:

Paul Sabatino, Counsel to the Legislature
Eben Brofman, Aide to Legislator Guldi
Don Zimmer, Town of Brookhaven
Donna Bonacci, Town of Brookhaven
Bill Faulk, County Executive's Office
Christine Costigan, Suffolk County Division of Real Estate
Fred Drewes, Mt. Sinai Civic Association
Jeanne D'Ascoli, Brookhaven National Lab
Michael Hauptman, Brookhaven National Lab
Arlene D. Stevens, Senior Citizens Advisory-Brookhaven
Louise Massaro, Senior Citizens Advisory-Brookhaven
Neal Capria, Aide to Presiding Office Postal
Louis Capersino, Town of Brookhaven
Kenneth E. Phalen, Suffolk County Dept. of Public Work
Ted J. Schwartz, Mt. Sinai
Basia Braddish, Suffolk County Law Department
Ann Marie Carbonetto, Suffolk County Health Services
Thomas Isles, Suffolk County Planning
Bill Jones, Suffolk County DSS
Jim Spero, Budget Review Office
William D. Moore, Suffolk County Dept. of Real Estate
Teresa Allar, Suffolk County Dept. of Real Estate
Ken Knappe, Suffolk County Executive's Budget Office
Virginia Suhr, Aide to Legislator Fisher
Frank Tassone, Aide to Legislator Crecca
Valerie Burgher, Newsday
Fred Pollert, Budget Review Office

All Other Interested Parties

Minutes taken by:
Eileen Schmidt, Legislative Secretary

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(The meeting was called to order at 9:50 A.M.)

CHAIRMAN GULDI:

The meeting will come to order and the pledge of allegiance will be led by Legislator Bishop.

SALUTATION

CHAIRMAN GULDI:

There's a couple of preliminary remarks. Legislator Haley and Legislator Fields are both delayed this morning because of the commitments that were -- conflicting commitments that they had before the committee schedule was firmed up especially given that today, Wednesday is Tuesday or is it Tuesday is Wednesday.

I want to address the new committee members and the expanded scope of this committee and some of the huge amounts of work that we're going to have to do as a result of that. First of all I do want to say to all of my colleagues and committee members that when I saw the roster of who was on this committee, I called the Presiding Officer's Office and first asked in all seriousness why I was being punished. And they informed me that every single member of this committee asked to be on it and I reflected --

LEGISLATOR FISHER:

-- you're a popular kind of guy.

CHAIRMAN GULDI:

I reflected on that and said, boy will they be sorry. In any event, also I've been informed that in addition to the members who are on the committee as many as seven other members of the Legislature wanted to be on the committee and that the Presiding Office thought that a committee of 14 members would be unwieldy especially given what we're going to have to do. However given the scope of our agenda and some of the things we need to work in -- on, for example, the Finance Committee Chair and I have been discussing the continuation of the EMPH hearings. Those hearings we are going to coordinate and work together on a continuation of those hearings are going to have to be held outside of the regular time slot of this committee in order for us to be able to address the scope of the issues on the regular agenda during this time slot. In the event that other things come up during the year there will be the need for again multiple special meetings of the committee and I wanted to warn all the committee members that well, that it will be difficult for all of us we will -- we -- I strongly foresee the necessity of that throughout the year.

LEGISLATOR FISHER:

(inaudible)

CHAIRMAN GULDI:

Legislator Fields -- excuse me, Legislator Fisher, I'll make that mistake a hundred times. I predicted no more than two resignations a week from the committee members, but that's all right, we have plenty of people who want -- who still want on. That being said, are there any comments by committee members? Correspondence, my policy with correspondence will be to distribute the same as and when received. I don't have scheduled presentations, but I want to go to public cards first.

LEGISLATOR CRECCA:

Before you do that Legislator Guldi if I could just --

CHAIRMAN GULDI:

Legislator Crecca.

LEGISLATOR CRECCA:

I just want to say I look forward to working with you this year not just as Vice Chairman of the committee, but also as Chairman Guldi has stated so clearly on the record are the intention is and we've discussed this prior to today's meeting is to continue the EMHP hearings fully. I'll be sitting down with Legislator Guldi and reviewing the documents that are in my possession and letting him take the lead on this hearing, but we certainly will work in a cooperative -- we'll certainly work cooperatively with Legislator Guldi and also even Legislator Bishop who's sort of got this whole ball rolling with his original discovery through the Budget Review Office. So really it was the Budget Review Office, but the bottom line is I look forward to working with you on that and moving it forward and if need be expanding the scope of those hearings.

CHAIRMAN GULDI:

Legislator Bishop, what did you just say about the -- go ahead.

LEGISLATOR BISHOP:

It's my understanding that the draft audit of the EMHP plan was recently completed perhaps as late as late last week and it's just now circulating. And it indicates that the mistake is something akin to a \$90 million error as opposed to the \$50 million number or 70 million number we're working with.

CHAIRMAN GULDI:

Fred.

MR. POLLERT:

The draft report was completed by Ernst and Young. It has been distributed to members of the Audit Committee. I have requested because it's on a chairmanship and I'm the chair of the Audit Committee this year I have requested that the members of the committee review the report prior to next week Thursday's Audit Committee meeting and come in with comments. The report clearly identifies that the problem was with Segal and not with the information provided by the County. The report is in draft form; hopefully, it will be finalized by the end of next week. They're one or two comments that I have with respect to the report that it will probably require some modest changes to the report prior to its acceptance by the Audit Committee.

CHAIRMAN GULDI:

As soon as that report is accepted by the Audit Committee it can be distributed to Legislators and -

MR. POLLERT:

-- yes.

CHAIRMAN GULDI:

-- I would request that as soon as that happens you could distribute it at least to committee member, but perhaps to all Legislators.

MR. POLLERT:

Yes, we will.

CHAIRMAN GULDI:

Legislator Caracciolo.

LEGISLATOR CARACCILOLO:

Mr. Chairman, I would encourage you as the new chairman of this committee to follow a practice that was initiated a couple of years ago and I believe continued during the tenure of Legislator Crecca last years Finance chairman. And that is to periodically and I think every other meeting would be reasonable to request the Budget Office make a brief presentation along with the Budget Review Office as to the status of County funds both with respect to the revenue side and expenditures. We are all well aware of the increase on County budget -- on the County budget vis a vis Medicaid and Medicare increases we read about it now almost daily in the press. It's something that I'd like to see the Social Services Commissioner come before this committee and address what cost containment measures she can implement. How she's making out with additional staff to address those needs. We read in yesterday's newspaper how now there's a significant backlog and that clients in need of services are not being, in a timely manner, their needs are not being addressed. So these are important issues. They have budget to significant budgetary impacts and then we have the whole spectrum of cost overruns vis a vis overtime expenditures in various departments, but particularly in Public Safety and that's all under the jurisdiction of the Finance Committee. If the chair of the committee deems fit noting encourage you to continue that especially given the light of this latest bombshell that Legislator Bishop just shared with us. And that is a program that is now completely out of control and has almost doubled in terms of the deficit those are going to have significant impacts on how we do business not only this year, but in subsequent years. So I want to congratulate you on this assignment and I look forward as well to working with you, George.

CHAIRMAN GULDI:

Thank you.

LEGISLATOR FISHER:

Mr. Chairman.

LEGISLATOR FISHER:

I have a question because I have never before been a member of the Finance Committee.

CHAIRMAN GULDI:

Finance and Ways and Means, actually, we actually have a subtitle, we're no longer known as the Ways and Means Committee we're now known as the Ways and Meanies Committee. I was going to try and get us hats, but I didn't have time. Go ahead.

LEGISLATOR FISHER:

As chair of the new Human Resources and Social Services Committee I had anticipated asking Social Services to come before my committee vis a vis the issue that I read about this morning in

Newsday regarding Medicaid and the delays. Now Finance Committee deals with the departments in the same manner? You ask the departments to come before us when there are issues that arise like that?

CHAIRMAN GULDI:

The -- this committee has jurisdiction over the financial issues of the financial aspects of that issue. However there are certainly no need for this committee to be duplicating anything that you want to tackle in the other committee. We certainly have a full plate without duplicating any efforts; the one thing that I would request is that if you want to take that in the other committee that you bring back here and briefly report the financial issues --

LEGISLATOR FISHER:

-- that's exactly what I anticipated asking, but I would bring back to this committee any information that I would've gleaned in the Social Services Committee with regards to the financial aspect of it -- of the issues.

CHAIRMAN GULDI:

Yes. But the operational aspects clearly primarily are the jurisdiction of Social Services and I'm encouraged to hear that you're going to undertake that.

LEGISLATOR FISHER:

Thank you.

CHAIRMAN GULDI:

The -- with respect to Legislator Caracciolo's remarks on the status of funds report if you will, I believe that we have a new statute requiring that report to be done at least quarterly. That report under the statute correct me if I'm wrong and I see nodding so far, is that report will be prepared in writing and I would request that when that report is prepared and submitted on time that it will be distributed to all committee members and I'll expect committee members -- request committee members to review it in detail before the meetings so that when that we can focus on the saline issues in the reports rather than a review and description of the reports during the committee cycle. The report as -- will be a public document in any event, but in terms of efficiency of time that's the way that I would request that we proceed with the status of fund reports. That being said, Legislator Caracciolo, go ahead.

LEGISLATOR CARACCILOLO:

Just one brief footnote to your comment, last comment. While I can appreciate we have legislation requiring that report on a quarterly basis given the size and scope of this budgetary deficit now facing the County, I believe, as I stated earlier bi-monthly if we meet twice a month those presentations at least be made verbally because it is really the jurisdiction of this committee to be pro-active in dealing with those budgetary issues and not wait on a quarterly basis to first ascertain information and then try to respond to that. We don't have that much time.

CHAIRMAN GULDI:

Yeah. I concur; I'd actually go further than that. I would expect and encourage the Budget Office and Budget Review Office that anytime that there is, appears to be any substantial deviation of any nature with regard to status of funds in any category that they not quarterly, not bi-monthly, but immediately bring that to at least the committee chair's attention so that we can discuss it and stay current on it so that we don't have ugly surprises in the quarterly reports so that we know what's coming. I know that in the course of daily operations that they look at those sort of

things, but is, as and when they appear and become a issue concern I would appreciate being kept abreast on that basis. But will the Budget Office be able to accommodate that request?

MR. KNAPPE:

Good morning.

CHAIRMAN GULDI:

Good morning.

MR. KNAPPE:

The Budget Office in the past several years have always enjoyed a very cooperative working relationship with the Budget Review Office as far as tracking information from all departments, sales tax, etc. revenue and expenditures. As you said as long as -- if everything is going as estimated discussions in front of this committee and the quarterly reports should be sufficient. If at anytime the committee chairman wants to speak to the Budget Office at this committee we'll have a representative here. As far as thing on a non-routine basis if Budget Review Office and the Budget Office picks up on something we will definitely be consultation with the Budget Review Office. However, I believe that the Budget Office would rather have Budget Review notify the Legislators and we'd be available for comment at anytime during that fact. If we disagree with the Budget Review Office in their findings we will of course present both sides of that issue or that disco very or that information to the committee.

CHAIRMAN GULDI:

Okay. Budget Review, is that going to be adequate you feel in terms of the coordination would you be able to in terms of anything that Budget Office brings to your attention that is of a material concern that you'll be able to bring it to the committee's attention immediately or at least mine as chair?

MR. POLLERT:

Yes. I would be happy to do that. Clearly, we'll be happy to bring to your attention that we're aware of, but we'll have to rely upon the Budget Office because we don't monitor what's going with the State budget to terribly closely. We don't have the resources to defer to them with respect to any changes in the State budget and reimbursement rates that type of thing.

CHAIRMAN GULDI:

Okay. All right. That being said let's go to the cards. I don't have the cards numbered and I would request that you would number -- the first cards going to be Mike Hauptman. Mike Hauptman, please come forward. You can sit at the table or use the podium whatever your comfortable with.

MR. HAUPTMAN:

I'm going to be using some figures so it's probably easiest just to for me to stand.

CHAIRMAN GULDI:

Okay.

MR. HAUPTMAN:

Good morning, Mr. Chairman and the committee. My name is Mike Hauptman, I am a Project Manager at Brookhaven Lab for some of the groundwater clean up that's occurring. And I'm here this morning to give you some background information on a resolution for property transfer that's kindly being sponsored by Legislator Caracciolo to help us achieve our clean up. We also brought

a package of information that's in dark gray that has some of the things that I'm going to be talking about and also a blow-up map of one of the ones that I'm going to be talking about here.

CHAIRMAN GULDI:

The mikes on the cord you can pick it up and hold the microphone if you want. Just take it out of the stand if that's easier?

MR. HAUPTMAN:

Okay. Thank you. This is a map of the Brookhaven National Lab area the southern portion of the Lab. Right there is the Long Island Expressway and these gray areas are plumes of solvents like TCDC that have from past activities migrated into the neighborhood off of the laboratory boundary.

CHAIRMAN GULDI:

This is south of the laboratory?

MR. HAUPTMAN:

This is south of the lab; here is the expressway and the groundwater flows in this direct. This is East Yaphank and North Shirley neighborhood. This is Manorville over here. These large capital letters refer to groundwater clean up systems that we are proposing to build this year to extract the groundwater, clean up, take out the organic solvents and then return clean groundwater to the aquifer. And I'm specifically talking about location "D" today. This is right here it's one of the plumes and I'm going to switch maps unless you've got question about this one.

CHAIRMAN GULDI:

No. Go ahead, but when you put that down, please turn it and set it so that anyone in the audience who wants to see what you're talking about.

MR. HAUPTMAN:

Okay. This is just a more detailed picture showing the lot lines and the streets pretty much the same area. This here up here in my hand is the lab and then comes the expressway and the tan area is the East Yaphank, North Shirley neighborhood. The location of the groundwater treatment systems that I was referring to --

CHAIRMAN GULDI:

(inaudible)

MR. HAUPTMAN:

-- is right there.

CHAIRMAN GULDI:

Okay.

MR. HAUPTMAN:

And those are detailed in your packet. That is two properties that belong to Suffolk County through taxes or non-payment of taxes. And we have been in touch with the Real Estate Division who have helped us put together this approach where we're looking to transfer these properties to the Department of Energy using a 72h municipality, municipality transfer mechanism with a reverter clause. Meaning, that the Department of Energy will take title to these properties, use them for the clean up of about 15 to 20 years. Construct our buildings on them put our

extraction wells and some monitoring wells on them and then once the groundwater clean up is finished to the satisfaction of the regulatory agency, EPA, DEC, the County. Once that clean up is finished and we remove the buildings and anything else that you'd like us to remove the property would revert back to the County. And we have pursued this with the Department of Justice and they gave us approval and to my knowledge it's the first time that this kind of transfer with a reverter has been done between a municipality and the Department of Energy and it'll probably a model for a similar transactions in the future for other facilities across the country. It's a great opportunity for us if the County decides to do this transfer because getting private property owners to host this type of treatment system you can imagine is a little bit difficult and they're a little bit hesitant. But since it's County owed property that would be much easier to achieve. So it would be very helpful. In fact, critical to us to have this transfer go through this resolution and be approved. So what -- so very quickly what this will achieve it will treat two plumes, there's one here --

CHAIRMAN GULDI:

You need the mike in your mouth, she loses it on the tape.

MR. HAUPTMAN:

I'm sorry. There are two, one is to the west and one is to the east and we're combining the treatment which is activated carbon to filter out the solvents in one building which is also good because we're minimizing the amount of property in general that we need. And we'll be treating those for about up 15 to 20 years all together and there's also a standby time and I think that's pretty much it. I don't want to take too much of your time, but of course I'm available for questions and really I need to thank the County for allowing us to give you this presentation and that you're even considering this. As I said it's the first time that I know that it's been done and it really is crucial to our attempts to clean up the aquifer. Thank you.

CHAIRMAN GULDI:

Legislator Caracciolo first.

LEGISLATOR CARACCIOLO:

Thank you. Mike, could you just briefly recap the origination of the plumes? Were they from the lab itself or were they from other properties?

MR. HAUPTMAN:

The plumes on the map that I showed and the ones that we're remediating come from the laboratory. They're from past activities such as landfills that were used in the 50's and 60's that have now been capped so the sources of the contaminants are controlled, but unfortunately they did enter the groundwater system and the aquifer and that's what we now need to clean up.

LEGISLATOR CARACCIOLO:

As you and I both know the federal government several years ago was instrumental in providing public water to the neighborhood that's indicated on that map.

MR. HAUPTMAN:

That's correct.

LEGISLATOR CARACCIOLO:

However there are still some private wells of homeowners who declined for whatever reason to hook up during the period the wells were installed and offered to them. How many such private wells exist?

MR. HAUPTMAN:

I'm not sure the exact number, but it's under ten.

LEGISLATOR CARACCILOLO:

And are they in close proximity to the direction (inaudible) these contaminated (inaudible)?

MR. HAUPTMAN:

Some of them are.

LEGISLATOR CARACCILOLO:

And they are aware that they are?

MR. HAUPTMAN:

I can't say they're all aware. Jean, do you want to come up?

LEGISLATOR CARACCILOLO:

Just identify yourself for our record. There's another mike to your left, Mike.

MS. D'ASCOLI:

Thank you very much. I'm Jean D'Ascoli I work with the Community Involvement Office at the laboratory. We've recently conducted a house to house search with Suffolk County Water Authority providing some of the information so that we could identify specifically the houses that might still be on public water. Eight homes we're aware of to this date and we've been in touch with them, spoken to them one on one so that we could inform them about the situation and offer them to have their water tested if they chose to do so. All eight of those residents are aware of the situation and are aware of the plumes, yes.

LEGISLATOR CARACCILOLO:

Okay. With respect to the resolution in the reverter clause after this 8 to 15 year period, will the site be returned the County in its present condition?

MR. HAUPTMAN:

Yes. Every effort will be made to remove all the structures and it really depends on what the County would like at that time. We can take out everything, the foundations, the buildings, the pipes, the electricity and there will be some paving and we will be removing some trees and they can be replanted.

LEGISLATOR CARACCILOLO:

I think at a minimum that should be included in any agreement to any vegetation that is removed should be replanted.

MR. HAUPTMAN:

Sure. Absolutely.

LEGISLATOR CARACCILOLO:

Okay. Thank you.

CHAIRMAN GULDI:

Legislator Fisher.

LEGISLATOR FISHER:

Good morning. How large are the buildings that will be erected?

MR. HAUPTMAN:

Okay. This is just going to be one building and it is about 28 feet tall and maybe 30 by 20 in footprint.

LEGISLATOR FISHER:

Okay.

MR. HAUPTMAN:

So it's, you know, it's like a large two-car garage.

LEGISLATOR FISHER:

Okay. So it's not a sizable structure?

MR. HAUPTMAN:

No.

LEGISLATOR FISHER:

Will there have to be any removal of contaminated debris from the area? Is there any of that kind of remediation?

MR. HAUPTMAN:

The only thing that will be done is these are carbon filtration systems which is it just absorbs the chemicals and that will have to be changed out probably about once every three months.

LEGISLATOR FISHER:

So that's the only form of remediation that will be occurring?

MR. HAUPTMAN:

That's correct.

LEGISLATOR FISHER:

Okay.

MR. HAUPTMAN:

That's correct and, you know, I'd like to add what I didn't add before was one reason a very important reason that other than it's difficult to get private property owners is that we had an outreach meeting with the community last June where we had proposed putting the buildings closer in on County property in the neighborhood and they requested that we put it further away from their neighborhood due to attractive nuisance if you will. The kids will be playing there they might get hurt so we looked around, I'm sorry it was the town property that we were going to put it on, and we looked around to see if there were any other properties available and then we saw the County and then we started talking to the Real Estate Division.

LEGISLATOR FISHER:

Thank you.

CHAIRMAN GULDI:

I have a couple. Do we have at this point a draft agreement setting forth the reverter conditions between the DOE and County?

MR. HAUPTMAN:

Yes, we do.

CHAIRMAN GULDI:

I don't have the packet at the moment because of some of the confusion about melding the multiple agendas that went into this agenda. My book is being reconstructed and hopefully before we get to the agenda I'll have the bills before me, but the devil is in the details on those reverter conditions. Now you indicated that DOE will restore the property to its present condition if the County so chooses. If the County elects to leave any of the improvements on the parcel however that option is one of the options set forth and institutionalized in those conditions?

MR. HAUPTMAN:

I mean, it's not specifically written yet, but obviously that will be added cause that's the intention.

CHAIRMAN GULDI:

Okay. The one question that I have is kind of a technical question. I see there is someone from the Law Department here. Perhaps they'll know if you're not familiar with it. Section 50 of the Navigation law makes any landowner strictly liable for particularly petroleum and I believe some of these plumes are petroleum derivatives that is discharged into groundwater. Is DOE subject to that same provision as a landowner once you take this provision to 72h?

MR. HAUPTMAN:

I'm not familiar with that part of it, but under our consent decree with the EPA and the New York State DEC we have to clean up to drinking water standards. Any of the contaminants in the groundwater.

CHAIRMAN GULDI:

In the groundwater or soil?

MR. HAUPTMAN:

Or soil, but there is none in the soil.

CHAIRMAN GULDI:

Cause it's all leached into the water.

MR. HAUPTMAN:

Right. It's about 200 feet deep.

CHAIRMAN GULDI:

Legislator Fisher just -- the neighbors and their concerns -- the parcel immediately to the north and south of the parcels that are subject to the 72h, are they currently zoned single family residences.

MR. HAUPTMAN:

No. That whole -- both sides of North Street, in fact, are zoned industrial.

CHAIRMAN GULDI:

And there current use and occupancy is what?

MR. HAUPTMAN:

Right now it's vacant.

CHAIRMAN GULDI:

Okay. So the activities proposed at the site will have no foreseeable impact on any neighbors whatsoever?

MR. HAUPTMAN:

That's correct.

CHAIRMAN GULDI:

No noise, no trucks, no personnel coming and going.

MR. HAUPTMAN:

Right.

CHAIRMAN GULDI:

Because of the isolated nature of the site.

MR. HAUPTMAN:

Correct and that's one reason we were hoping for that location.

CHAIRMAN GULDI:

With respect to that issue though, what sort of activities and use and burden on the parcel do you anticipate in connection with this clean up? How many personnel and hours of operation and the like?

MR. HAUPTMAN:

It will be running for 24 hours, seven days a week, but there won't be any noise because it's just water flowing through filters. And once we are up and running after a start up period about three months I anticipate our personnel going there about once a week to check on things. We will have security, telemetry back to the laboratory so if anything should happen people can respond, but on a routine basis personnel should be there about once a week. And then this, the major operation which is exchanging out the carbon for fresh carbon about every three months in the beginning and that should tail off as the aquifer gets cleaned up. That would be a large truck or two and would take about a day to complete that operation.

CHAIRMAN GULDI:

All right. You mentioned that the two plumes are being treated through carbon, carbon filtration in one of the buildings, what's the other building?

MR. HAUPTMAN:

For this particular transfer there's only one building.

CHAIRMAN GULDI:

There is only one building, okay. I thought I --

MR. HAUPTMAN:

-- there's those two properties that are contiguous on the east side of North Street and then there's one other property that will be used for an extraction well on the west side of North Street, but for this particular transfer there's only one building.

CHAIRMAN GULDI:

Only one building and other than the carbon filtration activity, do you anticipate any other activity, for example, will there be air scrubbers or any other activity at the premises?

MR. HAUPTMAN:

No, there won't.

CHAIRMAN GULDI:

Okay. Now could you bring back the plume map you had? Okay. Now could you indicate on that map for me the target parcel that's the subject of this application.

MR. HAUPTMAN:

It's right about where the letter D is.

CHAIRMAN GULDI:

Okay. Now and the two plumes that are subject of sites to be treated by this pumping and filtering operations are labeled plumes A and D, is that correct?

MR. HAUPTMAN:

No. They're labeled D and E.

CHAIRMAN GULDI:

D and E, all right. What about A and F; what are you doing about them since we're here talking about it?

MR. HAUPTMAN:

No problem. There are all of these are scheduled to be constructed this year, you know, under different managers. And A is having -- they'll be treatment system here and then there's also a treatment system here, in fact, the bid document just went out for that.

CHAIRMAN GULDI:

So you're indicating to the south of fields A and D.

MR. HAUPTMAN:

Correct and that actually --

CHAIRMAN GULDI:

-- what's the name of that street at the bottom?

MR. HAUPTMAN:

That's Flower Hill Dr.

CHAIRMAN GULDI:

So it'll be south of Flower Hill Dr.

MR. HAUPTMAN:

Right. On the airport property here.

CHAIRMAN GULDI:

Okay.

MR. HAUPTMAN:

And that system treats the lower part of plumes A and D. Now C is also another system that's going to be installed this summer. E is treated here in the subject of this resolution and F is that's not solvents that's the pesticide ethylene dibromide. It's also scheduled this year, but we're having a little bit of difficulty with the landowners here, but we're still negotiating.

CHAIRMAN GULDI:

To get access to put the side in.

MR. HAUPTMAN:

Correct.

CHAIRMAN GULDI:

The landowners -- that's a single landowner in that section is it not?

MR. HAUPTMAN:

This is a large parcel, I believe, it's {Aver} Hotel Corporation.

CHAIRMAN GULDI:

Okay. All right. Now with respect to the neighborhood hook ups and the families you testified about who are aware the continued pollution issues, is the program still available for them to be hooked up at DOE cost and are they aware of that option if it exist?

MS. D'ASCOLI:

Sorry, I wasn't paying attention. I apologize.

CHAIRMAN GULDI:

So you'll be punished for that. Yeah, they're going to make you come back. The question was the eight or ten families who have not been hooked up to public water in the contaminated area. You mention they are aware of the contamination and have been approached one on one. First question is, are they still -- is the program still available for them to be hooked up to the public water supply with DOE subsidy?

MS. D'ASCOLI:

No, it is not. The Department of Energy has ended that program, but the Department of Energy has agreed to do is to annually go back and test the water for the homeowners that choose to stay on private wells.

CHAIRMAN GULDI:

Okay. Well, I guess that's an unrelated issue. Frankly, that's not the answer I was hoping to get. All right. I don't have anymore questions. Legislator Fisher.

LEGISLATOR FISHER:

I just have a question about the process. You've indicated that there would be other treatment facilities in a variety of areas, would those all -- would the process be the same with all of those

cases where you transfer property to the DOE and then they would have the property and build a facility and do the work?

MR. HAUPTMAN:

No. Because the others are not municipal owned.

LEGISLATOR FISHER:

This is the only one that on municipal property?

MR. HAUPTMAN:

Yes, yes. The others, for example, are owned by LIPA one and then there's the airport, Brookhaven Airport is another. And the ethylene dibromide is all private property so this is the only one where we're doing the 72h.

LEGISLATOR FISHER:

Okay. So in the case with non-municipal owned property, do you lease it from those entities and build the building and do the work?

MR. HAUPTMAN:

Yes. That's correct. We negotiate a lease basically, an access agreement for a certain number of years and there's some payment sometimes.

LEGISLATOR FISHER:

I see.

MR. HAUPTMAN:

It's all very specific for each one.

LEGISLATOR FISHER:

Thank you.

CHAIRMAN GULDI:

I have one last question. By the way, is this going to work?

MR. HAUPTMAN:

Well, yes, it is.

CHAIRMAN GULDI:

And you've demonstrated the technology as being fully capable of remediating these types of situations at other sites?

MR. HAUPTMAN:

This is very tried and true technology that the Suffolk County Water Department -- Water Authority uses it on a lot of wells. It's practiced all over the country, very tried and true technology. In fact, you asked about air strippers, one reason we did not decide to go with air strippers was that this was a better and more flexible technology.

CHAIRMAN GULDI:

Okay. I don't have any other questions. Anyone else? Thank you very much.

MS. D'ASCOLI:

Thank you very much.

MR. HAUPTMAN:

Thank you.

CHAIRMAN GULDI:

Donna Bonacci. The next speaker after her will be Fred Drewes. I see you're all on the same issue, do you want to come up all at once or what's your pleasure? Fred Drewes and Arlene Stevens is the third speaker to fill out a card. This is 2102 transfer 2.2 acres in Mt. Sinai to the Town of Brookhaven for a municipal -- you need to -- there's a button on the top you need to slide it towards the ball at the end of the microphone to turn it on.

MS. BONACCI:

Thank you.

CHAIRMAN GULDI:

And then you virtually put the microphone right in your face in order for it to work.

MS. BONACCI:

Esteem members of the Legislature.

CHAIRMAN GULDI:

Where are they I don't see any?

MS. BONACCI:

My name is Donna Bonacci. I am the Director of Senior Citizens Services for the Town of Brookhaven. I am here to comment on resolution #2102 authorizing conveyance of a 2.2 acre parcel on Route 25A in Mt. Sinai to the Town of Brookhaven. Three years ago the County agreed to transfer the property in question to the Town of Brookhaven to allow us to develop and expand the first senior center in this township of 65,000 plus seniors. Under 72h of general municipal law the property in question can be use for government purposes. The request was initiated by the Senior Citizen Advisory Commission during Supervisor Grucci's administration. The County agreed to the transfer; a town resolution accepting the parcel was adopted and now three years later at the eleventh hour I find out that a deed was never filed and that the former Director of Real Estate David Fishbein failed to notify the town of any issues or problems regarding this transfer. Allan Greco assumed Mr. Fishbein position as director and was to follow through in response to the town's accepting resolution transferring title. I do not know, in fact, if this was done. If not, why and why were we not notified?

CHAIRMAN GULDI:

It's a fresh question for me, I thought we were here on a different issue. Ms. Costigan from the Division of Real Estate is here although I suspect she -- this is as much news to her as it is to me. Ms. Costigan, are you in a position to address this at all at this time?

MS. COSTIGAN:

(inaudible)

CHAIRMAN GULDI:

The answer to your question then is one that we'll have to look at.

MS. BONACCI:

I do have a copy of the accepting resolution from the Town of Brookhaven.

CHAIRMAN GULDI:

Accepting resolution actually, Neal, could you get that from her please? Okay. We'll take a moment, I just asked Counsel to check something. Good morning Marty.

Legislator Haley entered the auditorium at 10:30 A.M.

CHAIRMAN GULDI:

As a preliminary we're in response to your comments though we will look further, but at the moment what it appears is that there is no record of any prior resolution of the County Legislature authorizing this transfer at or about 1999. We will search our records further to do that, but we've done preliminary searches in the past and not located such a resolution. So in terms of your statement that it was previously authorized by the Legislature and then not done. We can't find in our records at least preliminarily evidence that it was previously done.

MR. HALEY:

Mr. Chairman.

CHAIRMAN GULDI:

Mr. Haley.

MR. HALEY:

I actually think I may have misled these individuals because I thought at one time we -- I was working on a 72h and I don't recall why -- my microphone is on. I don't know why that resolution was never either presented or never passed to be quite honest with you. So what happen is when we realized because you call me, Donna, you've called me a couple of times asking me lets get going where's the deed. And, in fact, there was resolution that was never passed so immediately as soon as we realized that that was the case I filed that 72h and that's before us today.

CHAIRMAN GULDI:

One of the things that we're going to do however is conduct a further search to see if there was every a resolution or proposed resolution and somehow fell between the cracks. But at the moment it appears it just was never done before there was not apparently the -- a failure to execute a deed that was authorized, but at least not per our records on preliminary analysis. Okay. Do you want to address however the merits of the request for transfer which is what 2102 is?

MS. BONACCI:

Yeah. Well, the confusion would be why would the town prepare a accepting resolution if there was not already an agreement? Somebody was involved in --

CHAIRMAN GULDI:

-- it works the other way around. We require before our approval of any 72h that is years ago we had the problem where we would authorize transfers to municipalities only to find that they didn't want them. So we would end up with a resolution authorizing a deed to the town, village of so and so only to discover that the powers in that village notwithstanding the wills of the sponsor of the legislation had no interest in taking ownership of that parcel and the concomitant liability because once you own the land you have the, you know, the insurance risks anything that happens on the land and the duty to maintain the land and etc. So we'll -- years ago and for many, many years at least that I've been here have required prior to the approval even at

committee level of a 72h transfer that we having in our possession at duly adopted resolution of the receiving municipality indicating that they will received it. So such resolutions as the one annexed to 2102 are routinely requested prior to adoption of a resolution here. That's why the town would've done that.

MS. BONACCI:

But whose responsibility would've been if it did fall through the cracks? I mean, no one is supposed to notify the town that this is not going through or we're not approving it or no one prepared the resolution. How would we know?

CHAIRMAN GULDI:

Well, then anyone who wants to sponsor such legislation would know, but as a practical matter the State of New York runs what's known as a race notice statute in terms of recorded deeds. Anyone who wants to know who owns any parcel of land it is always of record in the County Clerk's Office. So the fact is that since there is no recorded deed the last recorded deed to Suffolk County is the deed of record that's notice to the whole world of who owns the parcel at the moment.

MS. BONACCI:

Well, that's how I found out there was no, I mean, it was totally by fluke that I found out that there actually was no deed and that's --

CHAIRMAN GULDI:

-- right. What is clear at the moment is that no deed has been transferred. You wanted to say something?

MR. SABATINO:

I was just going to say, do you have any specific concrete information regarding a County resolution because I mean, are you stating that you know there was County resolution that was adopted and Real Estate didn't do anything or are you just speculating on that issue.

MS. BONACCI:

Now I know that the town prepared an accepting resolution.

CHAIRMAN GULDI:

We have that.

MS. BONACCI:

I don't know if the County, in fact --

MR. SABATINO:

-- okay. My only suggestion is we have the capacity, my secretary is working on it right now, really just to run a search. I mean, using 1999 as a benchmark we could really resolve that factual issue relatively quickly. So I would just say maybe just postpone this aspect of the discussion. Give her a chance to get factual information we will be able to get an informed -- getting an informed answer as opposed to speculating about what may or may not have taken place because my office is pretty good. Legislator Haley when he submitted this resolution to us we immediately prepared the resolution and filed it. So we acted instantaneously, his office forwarded to us which indicates that probably somebody in the town forwarded to him. I would

suspect that our search is going to show there wasn't an intervening resolution, but let's just be sure rather than speculate on it.

CHAIRMAN GULDI:

In any event, what is before us now is the merits of the claim for transfer and that is this resolution has been here in committee and previously for some time now because initially there were confusion about the parcel and its relative value. I believe that that confusion has been resolved today. Initially, when this was prepared there was the presumption that this parcel had no public access and had a nominal value that has proven not to be correct. The parcel does have full access and is and I've been advised by our Real Estate Department it is a \$700,000 appraised value for the parcel because of its location in nature. That doesn't mean it's not eligible for 72h it means that the majority of this Legislature has to determine that \$700,000 taxpayer value is best served by transferring it to Brookhaven for municipal purposes and not sale at the open market by the County to use the revenue to offset our other substantial expenses. So what I'd like you to address is not the history that we're speculating about, but the merits of the transfer to convince us that the proposed municipal use for the parcel is more important than the \$700,000 in additional tax that the rest of the taxpayers, that all the taxpayers of Suffolk County will have to pay by virtue of us transferring this for these purposes instead of selling it. That's the issue that's before us and I'd like you to address that issue if you could.

MS. BONACCI:

Well, the people with me will go into this the issue further, but I've been with the Town of Brookhaven for 23 years. This has been an issue, we're the only township in New York State that has no senior centers with a population of over 65,000 seniors. Just the fact that we've finally gotten to a point where we have the first senior center the Rose Caracappa Senior Center in Mt. Sinai which barely accommodates the programs that are in the building now. There is a great need to expand this building; needless to say, one senior center in the Town of Brookhaven will never suffice. It needs many, but I finally convinced the powers that be that you have to start somewhere and this is where we're coming from. If that property next store is auctioned off and goes for commercial purposes not only is there a traffic access to the Rose Caracappa Center that is an issue. It's a dangerous enough intersection right now with the people coming in and out of the center. If that property were to go for stores or whatever I could foresee it creating even a greater traffic and safety issue for the seniors in that center. The ultimate goal, I hope I'll see it before I retire, but the ultimate goal would be either to put an adjacent building, a larger building and have administrative services coming out of an adjacent building to the existing center. In any case, what would be done -- the use of this property is in the future, but again if we don't have the property we will be very, very limited as to what we can ultimately do with the existing building that we presently occupy.

CHAIRMAN GULDI:

(inaudible) we will take all of our questions at one time.

MR. DREWES:

Point of clarification. Good morning, my name is Fred Drewes. Is what is before your committee now is it for a resolution to transfer the land (inaudible)? Not to sell the land?

CHAIRMAN GULDI:

What is before us right now is Legislator Haley's proposed resolution to transfer this parcel to the Town of Brookhaven. If we do not do that the parcel selected by County for auction are done by the Real Estate Division on a routine basis based on how long we've held title and I don't know when this would come up, but that is process that is fairly automatic.

MR. DREWES:

Right.

CHAIRMAN GULDI:

Okay. So we do not customarily pre-approve the parcels for sale. The Real Estate Division does that based on the aging inventory of what we've taken for taxes and not for even stuff that comes up that we've taken for condemnation gets reviewed for auction.

MR. DREWES:

So again, just to clarify. You will act on Legislator Haley's resolution here to transfer the land in your committee and then you will then take it to the full Legislators?

CHAIRMAN GULDI:

If it passes this committee with a majority vote it will go to the full Legislature for consideration. If it does not pass this committee first although there are some exceptional rules that could get it to the floor of the Legislature, but the ordinary course of business would be for it to be considered by a majority here first.

MR. DREWES:

Could you give me some idea of the timeline on that? When would you move on this and then just so I --

CHAIRMAN GULDI:

The reason -- the ordinary timeline at a minimum is the bill gets filed on the table at a legislative public meeting.

LEGISLATOR HALEY:

He wants to know if it passes here it goes there Tuesday.

CHAIRMAN GULDI:

Yeah. It could go Tuesday to the Legislature is how fast this could go although not necessarily. If there's unresolved questions here it'll be kept in committee as it has been for three or four months now.

MR. DREWES:

Okay.

CHAIRMAN GULDI:

Okay.

MR. DREWES:

Okay.

CHAIRMAN GULDI:

Now your point being addressed convince us; what do you have to say to convince us we should do this that this is a good thing?

MR. DREWES:

I'm representing the Mt. Sinai Civic Association. Lori Baldassare has written a letter which I'd like

to read parts of into the record and I'm here as one of the directors of Mt. Sinai Heritage Trust that's involved in the partnership with the development of the Wedge which is right across the street from this property.

Lori writes and attached to Lori's letter there is the resolution from the Town of Brookhaven accepting this. There are a couple of photographs, digital photographs that display the property if you're not familiar with the property. And the parking lot on one side that is just completely vacant more than adequate for future expansion and so on, but Lori writes and by the way it's an interesting timeline. I first came to this area in 1965 and back in the late 60's there was a place called the Mod there that was a dance hall with rotating overhead reflective mirrors where we all gathered to -- on Monday nights, Friday nights whenever. And so now that I'm approaching senior citizen age I'm glad to see that it's now a senior citizen. So it's nice timeline for me and I would like and that's impart my personal wish that the Suffolk County Legislature, in fact, transfers this land to take care of my future needs as I grow old as a personal citizen of Brookhaven Town in the County.

In 1995, the Mt. Sinai Civic Association worked with Lee Koppelman in the Town of Brookhaven to create a hamlet study. Much of our land was targeted in Mt. Sinai for development so the committee worked diligently to try to come up with some sort of plan to create a balance of residential commercial development and recreational space. The Mt. Sinai Hamlet study that we wrote and developed in 1995 recommended that strip business area of 25A should include land west of Mt. Sinai Coram Road. Mt. Sinai Coram Road is just west of County Road 83. Mt. Sinai Coram Road is just west of this parcel of land. The land to the east which includes the parcel in question was planned we recommended was planned to have a break from the commercial properties that were -- and that there was as such a green buff as much as a green buffer as possible. At that time the Rose Caracappa Center was the only recreational facility in our community, limited in capacity for a growing community.

The Civic worked with Marty Legislator Martin Haley to have the land transferred from the County of Brookhaven to enhance the current center. And that been our impression that that was under works ever since that time. Additionally, our Civic negotiated with developers for a donation as part of a legal settlement on the Davis Peach Farm and other properties to contribute over \$100,000 to the renovation of the Mod Center. In the year 2001 there was a closing that was attended by Legislator Haley and John LaValle, Mr. Gaffney in reference to the closing on the property of the Wedge which all of you as a County Legislature approved. And this was des -- all of this Wedge is as you well know is across the street from Rose Caracappa Center and in actuality the combination of these two things, the Wedge which is now being graded and the Heritage Center will begin construction this Spring. Across the street will be -- is the Rose Caracappa Center and with this parcel of property to hopefully be transferred from the County to the town will start to create a recreational center that will then allow for community identity and foster that feeling of here is a are of our Miller Place, Mt. Sinai area that will in actuality have a recreational focus.

On Monday, January 20th, Christine Costigan of the Real Estate Division was a guest speaker at ABCO. Lori had the opportunity to ask her about this list of parcels being considered for auction. Two issues of particular concern were raised; first the appraised values of the 2.2 acre parcel is almost three times the value per acre paid for by the Wedge. Secondly, the records seem to indicate that the intention of the Town of Brookhaven was to use this parcel for parking. This would imply that development or transfer of deed of the town -- to the town would have the similar impact as a commercial development. Attached are several pictures that show current parking lot has more than sufficient space for the building next to the site. So it will show that

there's parking there.

So the near future Commissioner Chartuk has confirmed the desire for the parcel to expand the recreational area and had no plans to use the wooded area for parking were being considered. Presently, the town will be renovating the interior building, but not expanding. But at some point in time, you know, as the growing needs of the community dictate then, in fact, maybe increase in size of the building might be merited, but again that's who knows what the future is, but it seems to me that selling this or not transferring this property and selling the property would be sort of like taking a bite out of Central Park in New York City and commercializing it. And there's ever that danger of commercializing potential recreational valuable property and we view this in our community and the Heritage Trust views this that it would be -- it's an important part of the puzzle to the eye because 40,000 cars go by this area each day. And visually this if we could preserve some semblance of a open space wooded area that would be to our community good. So again, we would encourage and the Mt. Sinai Heritage Trust has the similar feeling that this would be part of the smart growth to preserve some sort of center. This is not a commercial center this is a recreational center and well -- the purchase by the County help this enormously on this and I ask you to continue to do the good work toward this end.

CHAIRMAN GULDI:

Could you provide the Clerk with a copy of the letter you read portions from and the maps you referred to?

MR. DREWES:

Yes.

CHAIRMAN GULDI:

Give it to the --

MR. DREWES:

Yep. One is a letter --

CHAIRMAN GULDI:

-- and I indicated to my colleagues that we will hold questions, so even I will hold my questions for you while we hear from the additional speaker.

MR. DREWES:

The letter from Lori has the pictures and the letter from myself, but basically has the same kind of thoughts. It contains the County map and so on identifying the two parcels.

CHAIRMAN GULDI:

Great. Ma'am, lets hear from you.

MS. STEVENS:

Is this on.

CHAIRMAN GULDI:

Yes. It doesn't sound like its on until you virtually swallow it.

MS. STEVENS:

Okay. My name is Arlene Stevens. I'm on the Town of Brookhaven Senior Citizen Advisory Commission. I'm here representing the Commission. I just want to give you a short statement

about the Rose Caracappa Senior Citizen Center. The senior citizens of the Town of Brookhaven have worked diligently for many years to realize the first center in the township. Acquiring the adjacent County owned 2.2 acres was part of the overall plan to expand the existing building at some point in the future. We take exception to being told three years ago that it was a done deal. We know -- we want to know who dropped the ball in the County, why and what the County plans to do to rectify this error. We trust you will not renege on an agreement that will enable us to realize the fruit of years of planning. Over 65,000 senior citizens are relying on the County keeping its word and commitment to their Brookhaven constituents. Another thing I wanted to add was I don't know if everyone is aware of it, but there are at least 18 more senior citizen complexes being on the map that are going to be developed. So I don't have to tell you what the amount of senior citizens are going to expand to on Long Island and I would be very appreciative if you would consider this. Thank you.

CHAIRMAN GULDI:

All right. We'll go to Legislator questions. Do you want to be first, Legislator Haley?

LEGISLATOR HALEY:

Yes, if you don't mind.

CHAIRMAN GULDI:

Okay.

LEGISLATOR HALEY:

Donna, looking at the operation now one of the questions that may come up is the how does the accrues to the interest of the typical Suffolk County taxpayer? All right, because that was -- that's also a problem as you call the Wedge. The Wedge is a County park that's always open to Suffolk County residents and that's of concern in that particular program. In this particular instance is it true that the Suffolk County Senior Council meets in that building?

MS. BONACCI:

Yes, it is. I was -- a number of years ago the Council met in Islip and they had a very poor attendance rate from all of the townships.

LEGISLATOR HALEY:

This is a group --

MS. BONACCI:

-- countywide --

LEGISLATOR HALEY:

-- it's a countywide group.

MS. BONACCI:

Right. Senior citizens from all over Suffolk County meet to discuss legislative and senior issues. I was the one that went to the Council because the attendance was dropping off and I said you know the Town of Brookhaven has a large senior population. I reached out to the other nine directors of the other townships we meet regularly. And I suggested that the Suffolk Senior Council relocate to the Rose Caracappa Center and in doing so I worked with the other town directors to do outreach in their senior centers to make them aware of the senior issues that were

going to be discussed at Rose Caracappa. And to make all of our 52 senior citizen clubs aware that this County organization will be meeting in one of our facilities and it was very important for our senior clubs to also appoint delegates or even have some of them pay to have them attend this Suffolk County meeting once a month at the Rose Caracappa Center.

LEGISLATOR HALEY:

So we can safely say that the Suffolk County Senior Council which serves all of the seniors in Suffolk County meet on a regular basis and will meet on a regular basis in the future at the Mod or the Rose Caracappa Center, is that correct?

MS. BONACCI:

Yes, that's correct.

LEGISLATOR HALEY:

All right. Now I know there's an awful lot of other activities that go on in that particular building not just as it relates to seniors, but I do also know that there are future plans whether it's an expansion of that building or not that's obviously going to require some parking or some sort of use of that other property. I don't know to date that anything is set in cement, but there is a clear and distinct need to expand that center in the future not only as it relates to seniors, but possibly some other operations in Brookhaven Town. Would you say it's safe to say that any County based groups similar to the Council certainly would have any difficulties assuming space available, time available to use that building for the benefit of the people of Suffolk County?

MS. BONACCI:

Most definitely. The -- any of the or specifically the Rose Caracappa Center can now comes under my jurisdiction not the Parks Department. They will solely maintain the building. So we do now open it up to anyone who would like get a permit. We don't --

LEGISLATOR HALEY:

-- right. Let me understand we're looking to transfer to the town and I don't imagine in this particular instance that Commissioner Chartuk would have any say as what may or may not happen because obviously there maybe some capital improvements in the future and whether or not that's assigned to Parks is totally another issue. So that's all I have for now. Thank you, Donna.

CHAIRMAN GULDI:

Legislator Caracciolo is next, but I want to put on the record since I think it's probably going to relate to the line of questioning I anticipate. Did -- Counsel's staff has completely a computerized search of all legislation proposed before the Suffolk County Legislature since 1997 and there has never been other than this resolution introduced in October of 2002 any resolution before the Legislature to consider the transfer of this parcel to Brookhaven Town as a matter of fact. Legislator Caracciolo.

LEGISLATOR CARACCILOLO:

My questions really deal with not the need for additional space for senior citizens in and around the Town of Brookhaven. At one time I use to represent Mt. Sinai in the early 90's before reapportionment so I'm very familiar with the Rose Caracappa Senior Citizens Center and I commend the town for the many programs and activities they provide seniors in that area. For us I believe the relevant issues are a) what is the town's intention in terms of building out the

Center. I've always had a problem with partnerships that are predicated on something happening in the future and then if we see changes in local government we see financial pressures on town government. These plans are delayed or postponed and the very essence of why would transfer this property today or next week are not met in any kind of a timely fashion. So is there any commitment on the part of the town at this juncture to actually provide and demonstrate with dollars, bricks and mortar that they will build this facility and when it will be built?

MS. BONACCI:

We have just recently accomplished a feat which was to make the Center a senior center. It originally came under the jurisdiction of the Parks Department; it was a recreation center and operated totally differently than a senior center. This was finally accomplished through pressure put on by the Senior Citizen Advisory Commission. I was personally told by the town board the Supervisor's representative that this is the first year that it would be operating solely as a senior center and the Advisory has been pushing for them to expand or build another center. As a matter of fact they're going out to the Smithtown Senior Center at their next meeting to see that center and how it operates. They are not close to either expanding or building another building. There is not specific money in this year's budget to do it. I can tell you though and I still have the plans from Lockwood, Kessler and Bartlett five years ago the town had put in $\frac{3}{4}$ of million dollars to add on to that building. I still have the plans in my office because we came under the Parks Department the Commissioner of Parks nixed it without me even knowing about it decided it was too much money to spend at that time. And it wasn't done and what basically happened was they bought Medford Complex and our admin -- we were housed the administrative offices for senior citizens services was in the Rose Caracappa Center. We were moved out of there and we're now in Medford; we don't know there's still a push on to move us back to Rose Caracappa Center being that the engineers have already decided that the Allstate building is no place to have elderly people trying to access services. So it's not a no, they're not against it; they're open to it and as you know with government that's as good as -- we can get at this stage of the game --

LEGISLATOR CARACCILOLO:

-- we'll I think we can do better and I would insist in this resolution that we would have a reverter clause as I've insisted before on active parkland acquisitions with town governments. If County taxpayers are going to pony up hundreds and in some cases millions of dollars in this case \$700,000 worth of valuable land then I think if the partnership is to work there has to be an equal and mutual commitment by the local government in this case the town. And I would suggest that the resolution be amended to permit the transfer conditioned upon the town actually building out this facility in 24 months. Not in five years, not in 10 years because by then the population that you spoke to will far exceed given this addition. So I believe in people putting their money where there mouths are and I'll support this resolution if we have provisions like that in this resolution.

MS. BONACCI:

I can't personally answer for, you know, for the town and as you know this is an election year and we don't know what's going to be happening. So obviously, you know, we can they can say yes today and in November or December or January is a whole new ball game and we're starting from ground zero again.

LEGISLATOR CARACCILOLO:

And we certainly understand that and that said we do not want to see the transfer of valuable property to an entity that has all the best intentions, but then due to circumstances that are unforeseeable today are not able in a timely fashion to carry out that commitment.

MS. BONACCI:

Can I try to bargain with you? I think it's a good idea because it might help us.

LEGISLATOR CARACCIOLO:

It makes your job a little easier.

MS. BONACCI:

Can you give us a wider, you know, --

LEGISLATOR HALEY:

-- don't bargain with him it's not his resolution.

MS. BONACCI:

-- a wider timeframe like five years because you know how slowly --

LEGISLATOR HALEY:

(inaudible)

LEGISLATOR CARACCIOLO:

I guess Legislator Haley doesn't need the support of every Legislator.

MS. BONACCI:

I'm just saying it would be to our -- he would be a help to us to give us more time to do whatever we need to do to make sure that this is pushed through.

LEGISLATOR CARACCIOLO:

I think if I saw representatives of town before this committee making some type of firm commitment. I mean, let's face it the representatives here today including yourself as a town employee are not here just requesting the transfer of a piece of property that's going to lay fallow for parking purposes. You want to see a facility that's the essence of what's behind this resolution. We're all on the same page; all I want to see is the town live up to that commitment by agreeing to that in writing and I'm open to a timeframe. But you know I don't believe in writing blank checks because just like they, we have fiduciary responsibility to 1.4 million people.

MS. BONACCI:

I definitely agree with you and I we wouldn't have problem. Marty, I'm going to blame it on Marty. Marty said --

LEGISLATOR HALEY:

-- Donna, quit while you're ahead.

CHAIRMAN GULDI:

He is the one who can change the resolution. Any other questions by Legislators?

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Yes, that's true other people can sponsor resolutions. I do have a couple of comments to make. They're not really capped as questions before we move on from this issue and that is that the

argument that you make for the 72h frankly, Marty I want to commend you. I've never seen a controversial 72h before, but the argument that you make I think is particularly unpersuasive. The fact that you sit here and say that your looking for the County to "live up to its commitment" and having been told that it was a done deal when, in fact, no prior resolution has ever been before the County to consider the transfer.

MS. BONACCI:

Yeah, but we did not know that.

CHAIRMAN GULDI:

Excuse me. It causes us to bridle. The fact that you didn't know it and you didn't notice for three years indicates perhaps that the crisis of preserving this property isn't quite as high as it might be. Further the proposed discussions of the future use of the property that frankly you said sir, that one of the primary objectives is prevent commercial development near the Center and in the recreational hub. Frankly, land preservation is a business that we the County are in and if this is an open space proposal the County does open space and there is no need for a 72h and that would be a different resolution than the one that's before us. Vague plans for future expansion for administrative town offices is not the most compelling argument I've every heard on the 72h. However, I'll explain my position. Legislator Haley represents the district, this is his resolution. He's proposed transferring a piece of land to the town for municipal purposes. While I have qualms about the immediate plans for the municipal use of this parcel that in and of itself is sufficient for me to support the resolution. However I suggest that if this does get out of this committee and I don't know that it will because Legislator Caracciolo suggestion that conditional transfer is one that is frankly a good one although who knows what the exact terms and perimeters of those conditions should be. I would suggest that on Tuesday before the full Legislature you might want to re-evaluate the approach you take in terms of advocacy for this resolution.

LEGISLATOR HALEY:

May I?

CHAIRMAN GULDI:

Legislator Haley you have the floor.

LEGISLATOR HALEY:

I think what's important about this particular -- obviously there's subtle differences in what the local community might feel is appropriate for the use of that particular property. Those issues are something that the town -- the town's immediate thought was to use it as parking because to use it as parking, you know, you just put stone in there. You can keep it treed, you know, buffered from 25A and you could provide some initial parking for some initial expansion, but I'm sure that there's a larger plan for that. And I think before they go any further they're going want to have some communications and discussions with the various groups because it's not just the Mt. Sinai Heritage Trust, it's not just Mt. Sinai Civic it's the senior groups in that area and other groups possibly that may want to have some input. They may change the town might change their whole approach, but we've been pretty clear over the last few years and I think that the reason it slipped through the cracks is because the need is now finally presented itself as being somewhat immediate. And that's why everybody is now moving at a faster pace to try to resolve the needs of the town for municipal purposes and that particular location.

CHAIRMAN GULDI:

Okay. Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

On the point that was just made, what is the immediacy of this transfer? Why does this transfer have to be made?

MS. BONACCI:

The Center was just recently deemed Rose Caracappa Senior Center. The Advisory Commission as well as the Heritage Trust is working hand in hand. They are a non-for-profit and we're looking for the next step we're going to refurbish the building (inaudible) --

LEGISLATOR CARACCIOLO:

-- I heard you say that earlier. My question really is to if this transfer were made today or six months from now, would anything in the interim take place on this property? Is it going to be used for what? For parking, for the construction of town offices?

MS. BONACCI:

No. There's sufficient parking now.

LEGISLATOR CARACCIOLO:

I heard you say that so when I heard the sponsor say it could be used for parking I'm saying didn't he hear your presentation.

MS. BONACCI:

Well, the building has been a recreation center; it is now a senior center and until we refurbish the building and get additional senior programming in there -- I recently acquired a grant from New York State for \$150,000. That money is going to purchase a vehicle, hire a driver. There is no transportation to the existing center. There will be transportation. We will be moving in a nutrition program and we will be moving in adult day care. Until we get those programs up and going and see the need and the number of people who are attending the programs we really can't go to step two which would be to expand the building.

LEGISLATOR CARACCIOLO:

Right. Well, that was my question. There is no immediacy to this transfer. Mr. Drew and Mrs. Stevens from your perspective, do you think the idea of a reverter clause is a good one or a bad one?

MR. DREWES:

One point first. Okay. In all honesty I came here today expecting to see and thought that the discussion was going to be related to this property as a resolution that would've said, sale of County owned real estate to, you know, that this property was being put up for sale that was my impression. I didn't realize --

LEGISLATOR CARACCIOLO:

-- that is was a transfer --

MR. DREWES:

That is was a transfer and so from the Heritage Trust view point I think and the Civic Association where we would oppose the sale of the property we would like to see the property be land banked for potential use by the public in the future whether it be by Suffolk County use or a Brookhaven Town use. You know because that money in the bank is for future use; land in the bank from my view is for future use.

LEGISLATOR CARACCILOLO:

Well, we all agree. We all agree on that point. My point was simply as someone who is involved in the community, do you want to see a facility on this property or do you just want to see it lay dormant subject to the normal pressures that occurred in local government where they may not be able to build this facility out for five, ten years.

MR. DREWES:

That might be the case. Yes, I think -- I don't know what the financial -- who knows what our financial woes --

LEGISLATOR CARACCILOLO:

-- well, then put your other hat on because you pay taxes to the town and the County.

MR. DREWES:

Right.

LEGISLATOR CARACCILOLO:

We're here as County representatives. How do we justify the constituents transfer of a piece of property to another entity that isn't going to be used for the stated purpose in was intended a senior citizen -- I have no problem.

MR. DREWES:

Right.

LEGISLATOR CARACCILOLO:

Do you want to build a senior citizens center; I think that's a good use and a appropriate use, but I don't want to see a window where it may or it may never be built in your life time or the current crop of seniors that need this facility now. Ms. Stevens, I like to hear your response.

MS. STEVENS:

I totally agree with what you saying, but I think that we need a little more time to go back to the Supervisor of our township to speak with him.

LEGISLATOR CARACCILOLO:

And I think that's a reasonable request.

MS. STEVENS:

I mean, we can't agree on anything.

LEGISLATOR CARACCILOLO:

I don't think that forethought went into this and I think that type of thinking needs to go into these actions so that we just don't transfer a piece of property and in very stated and purpose for which we would like to transfer the property is -- never materializes.

MS. STEVENS:

The only problem I could foresee is, if we don't get an immediate answer in view of the fact how long it takes to get appointments and everything together and get people together. Like Donna said, we could be into next November, you know, I mean --

LEGISLATOR CARACCILOLO:

I would think if this is a priority at the local level that the type of attention it deserves should be given to it and we could assist you in trying to arrange for those meetings.

MS. STEVENS:

Okay. That would be very much appreciated. Thank you.

CHAIRMAN GULDI:

Legislator Fisher is next.

LEGISLATOR FISHER:

Legislator Guldi, I agree with what you said. This is a resolution that is being presented by the Legislator who represents the district. We have interested parties who live in the district and would be affected by the -- by this resolution and I would support it because I believe that having dealt with people from Mt. Sinai, the Mr. Sinai Civic before. And having dealt with Donna Bonacci and knowing your commitment to senior citizens I believe this is part of the impetuous that will help deal with the immediacy of the problem knowing that the senior citizens population will be growing. There will be a greater need for expansion of the center and this would empower you be able to advocate better with the town once you have property the property it would be -- you would be in a much better position to advocate for the expansion of the Rose Caracappa Center. And I believe that what Donna mentioned with regards to having the jurisdiction of that center change from the recreation department to the senior -- to a senior citizen center also empowers you. So with these different factors coming into play I think you're poised to move forward with your expansion and to meet the needs of your community. Also with the Wedge now being developed as a recreational area you are forming a community unit there and I believe that this will help you go forward.

MR. DREWES:

I agree.

LEGISLATOR FISHER:

And I'm hoping Legislator Haley will help you to put some pressure on the town to move forward on this not to let the land lay fallow without helping you expand the programs. Once you have that transportation you'll also get the senior citizens in there and fine that your programs will grow expedientially.

MS. BONACCI:

We presently are refurbishing the building with grant money, but so you know we've been working with the Mt. Sinai Heritage Trust and so this is a community hub. We have even asked them to let us know their architect is going to fax us over information for siding so that both their recreation building and our senior citizen center will be sided in similar siding. So what you'll have up there, I mean, I've looked ten years to the future. I hoping that we have our senior's on our Advisory Commission. Mr. Drewes has also addressed our senior citizen club leaders, our staff. He has gone to speak to several of the clubs in the area and we have a large interest of senior citizens in the Mt. Sinai-Miller Place community that are looking to work with the Heritage Trust to work for their community. And we're looking on developing programs between the senior center and the recreation center and I'm hoping that this will be an example for other hamlets in the Town of Brookhaven just the first to show what can be done in a community when the people within that community are working with town government together.

CHAIRMAN GULDI:

Legislator Bishop wants to ruin his otherwise perfect record of not having spoken at the meeting.

LEGISLATOR BISHOP:

Yes. Thank you. I think the muddiness with regard to the future of this property is a function of its geographical value. You know it might be a future site of expansion it might be a future site of a parking lot serving the senior center. It might be future land preservation. If we allow events to take their natural course all those options will be foreclosed because the property will be auction off. So when they say to you that, you know, they want to keep it out of private hands it's not only keep it out of private hands, but it's to keep all those viable options around for the future. And the best way whether it was intentional or not to accomplish that appears to be through a 72h. We in the town will then be partners in controlling its destiny and I think that's the right way to handle this. So -- and also we should show our traditional deference to the Legislator from the district. So for all those reasons I'll going to support the resolution.

CHAIRMAN GULDI:

That being said they'll be no further discussion let's go to the agenda. Thank you.

MS. BONACCI:

Thank you.

MR. DREWES:

Thank you very much.

CHAIRMAN GULDI:

Okay. Beginning with 1960.

Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes.

ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Counsel, this was for affordable housing purposes. It was tabled I believe at the request of Legislator Towle. Would you refresh my recollection as to why we were tabling this matter? Ms. Costigan, while he's doing that I want to tell you that I find it totally shocking to discover that you are unfamiliar with a resolution that was never before us.

MS. COSTIGAN:

Forgive me. Please forgive me; it's all my fault.

CHAIRMAN GULDI:

I expect it won't happen again.

MR. SABATINO:

The last tabling took place on December 9th as you just suggested because Legislator Towle had indicated he wished to meet with town officials regarding the details. I don't know what took place in the intervening period, but that was where it stood as of December 9th.

LEGISLATOR FISHER:

(inaudible)

CHAIRMAN GULDI:

Yes, it was laid on the table in August.

MR. SABATINO:

Each time its been tabled it's been at the request of Legislator Towle because he's had questions.

The most recent happen to be December.

CHAIRMAN GULDI:

I understood it was in his district and I don't have a response from Legislator Towle and, in fact, until I hear from Legislator Towle I'll make a motion to continue to table this until his concerns are satisfied although he's no long a member of the committee. Do I have a second for that?

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

Actually I'll instruct my aide to contact Legislator Towle regarding this resolution and find out what his intentions are if he wants us to, actually, isn't this a six-month rule? No. He's got a couple of months left.

LEGISLATOR FISHER:

Mr. Chair?

CHAIRMAN GULDI:

Legislator Fisher.

LEGISLATOR FISHER:

I'll support the motion to table, but just for one more meeting. The reason is that we are always bemoaning the fact that there's not sufficient affordable housing in Suffolk County. And here we have before us a resolution for affordable housing and if there is not good reason to continue to procrastinate on it or put it off then I would like to see it moved forward.

CHAIRMAN GULDI:

My recollection is the reasons for the tabling were real and substantial and I concurred with Legislator Towle sentiments at the time he outlined them. I'll ask however my aides to contact him. On the motion to table, all those in favor? Opposed? Tabled. **(Vote: 7-0)**

MR. SABATINO:

Just for the record that bill will expire at the end of February, so you have a little bit of time. The other point for the record is there was a carryover resolution from the Human Resources Committee, which didn't make your agenda. It would fit in here because it was 1830.

CHAIRMAN GULDI:

1830, could you describe the resolution since it's --

MR. SABATINO:

-- 1830 was tabled at that committee; it was a Local Law that proposed to extend benefits to domestic partners of exempt County employees. So I just wanted to let you know that it was tabled at the Human Resources Committee at its last session.

LEGISLATOR CRECCA:

Is that on our agenda today or it's not on our agenda?

CHAIRMAN GULDI:

It wasn't printed on the agenda, it should be on our agenda given the fact -- what's the expiration date on that? Is it -- it's not imminent is it?

MR. SABATINO:

It's got like just one more cycle.

CHAIRMAN GULDI:

Given that it wasn't on our agenda and it will be alive at our next meeting I'll make a motion to table it till that meeting so we can debate it at that time when we've all had an opportunity to review the bill and have it before us. Do I have a second for that tabling?

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

I said imminent you just misheard me. I'm sure the record will reflect that I said imminent not eminent. We're adding 1830 on and a motion to table by myself second by Legislator Crecca. Discussion? All those in favor? Opposed? 1830 is tabled to our next meeting and that will be dealt with at that time.

2106 (sic) 2101. Direct Budget Review to prepare leases database. ASSIGNED to Ways & Means, Real Estate Transactions & Finance (Fields)

LEGISLATOR BISHOP:

2102.

MS. COSTIGAN:

2101, sir.

CHAIRMAN GULDI:

2101 that's what I said.

LEGISLATOR BISHOP:

Oh, you're right 2101.

CHAIRMAN GULDI:

So?

LEGISLATOR CRECCA:

George, do I need to sit next to you?

CHAIRMAN GULDI:

No. 2101 this is Legislator Fields', has this been addressed otherwise or what's the sponsors pleasure?

LEGISLATOR FIELDS:

The Department of Public Works sat with me and they are almost complete -- they've almost completed a lease database that I will review before -- I'm just going to table this one more time and then --

CHAIRMAN GULDI:

Motion to table by Legislator Fields second by myself.

LEGISLATOR BISHOP:

I just don't -- what's a lease database?

LEGISLATOR FIELDS:

We apparently have no idea what offices and facilities we lease. When the lease is up; what the terms are by looking it at a glance. It just as we've seen with health centers and other facilities it comes before us a month or so before the lease needs to be signed. And we're in a rush mode and then we're paying double for the rental because we didn't research and do all the things we should do. So this is asking the County to put one whole lease database together so that these kinds of things will be watched and we'll know when they're due.

CHAIRMAN GULDI:

Legislator Bishop.

LEGISLATOR BISHOP:

My suggestion would be that that sounds like a wonderful endeavor that we make it available to the public through the Internet. That's the kind of initiative that I'm trying to pursue with accident database with the initiative of last year with restaurants Health Department records. It's information it's public record and now that it's organized it should be made available to the public. So maybe we should consider.

LEGISLATOR FIELDS:

First we have to get it.

LEGISLATOR BISHOP:

Right. I know you're -- it's supposedly imminent.

CHAIRMAN GULDI:

Which was that?

LEGISLATOR FIELDS:

So I'll make motion to table this one more time and if it's not completed in two weeks I'll ask the us the pass it.

CHAIRMAN GULDI:

Second. All those in favor? Opposed? 2101 is tabled.

2102. Authorizing conveyance of parcel to the Town of Brookhaven, Town of Brookhaven (Section 72-h, General Municipal Law). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Haley)

LEGISLATOR HALEY:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Haley second by Legislator Fields.

LEGISLATOR CARACCILOLO:

On the motion.

CHAIRMAN GULDI:

On the motion, Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

I have to point out Mr. Chairman that I think once again the Legislature is failing to carryout its full responsibilities in insure that the taxpayers of Suffolk County received what they are paying for. They are transferring \$700,000 worth of property to another governmental entity would no assurance what timetable that the stated intended purpose that's alluded to will be carried out and therefore I will abstain on this resolution.

CHAIRMAN GULDI:

Ms. Costigan, you had something to add to this discussion?

MS. COSTIGAN:

I do. I would point out two things. One the resolution does contain a reverter clause currently. It does not have a timetable however which Mr. Caracciolo has suggested and this is an ongoing issue that I'll be coming back to you with. The 72h transfers to the towns last year amounted to \$1.3 million worth of property. That is the County's investment the actual dollar investment.

CHAIRMAN GULDI:

The actual dollar investment of the taxes that we've advanced to other municipalities and weren't reimbursed.

MS. COSTIGAN:

The actual dollar was 1.3 million.

CHAIRMAN GULDI:

But the value of the property was much higher than that.

MS. COSTIGAN:

Was much higher. Many of those properties were never appraised.

CHAIRMAN GULDI:

Okay.

MS. COSTIGAN:

But it is at a minimum what the County's investment was, was 1.3. All of those properties were transferred with reverter clauses.

CHAIRMAN GULDI:

But reverter clauses with no timeframe.

MS. COSTIGAN:

With no timeframes. One of the things that I have taken on as a mission is, 1) to make you aware of the value of the things you're transferring, 2) construct or reconstruct what has been the use of those properties that were transferred and 3) to enact those reverter clauses if in the event the properties have not been used.

CHAIRMAN GULDI:

Yeah. Is there any guidelines in terms of what would be reasonable time implied by an open ended municipal use clause like the one in the resolution before us?

MS. COSTIGAN:

Well, each one of the resolutions contained a use so I think the time would change depending on the use.

CHAIRMAN GULDI:

Depending on the nature of the use.

MS. COSTIGAN:

In this one there is a specific use included. They say it's for parking or a building. It was corrected. I spoke on Monday night while everyone enjoyed their holiday at the ABCO meeting and they asked me what the purpose of this was and the resolution limits the purpose for parking or an extension of the building. So that there's not an issue here there's not an option to have this be open space under the current resolution and I wanted you to be aware of that. The resolution is limited. The fair market value to be precise was appraised at \$673,000 rounding it off to the 700.

LEGISLATOR CARACCIOLO:

Then Christine with the respect to the reverter clause, what exactly is the language there?

MS. COSTIGAN:

In your resolution in paragraph (2) that in the event the above described is not used for the described governmental purpose that is a parking lot or the extension of the facility or if the town attempts to sell it then and I'm skipping, it goes back to the County. The reverter transfers back to the County.

LEGISLATOR CARACCIOLO:

While that falls short of what I would have hoped for I think to a certain degree it gives me a little bit more comfort and therefore I'll change my vote to a yes.

CHAIRMAN GULDI:

All right. I don't think we voted on it yet.

LEGISLATOR CARACCIOLO:

I said abstention.

CHAIRMAN GULDI:

Yeah. All right. The point I -- a point of information though, the deed the formed deed that the County uses in connection with 72h's how exactly do we incorporate the reverter language since --

MS. COSTIGAN:

(inaudible)

CHAIRMAN GULDI:

(inaudible) does it mirror the resolution language or --

MS. COSTIGAN:

-- yes, it mirrors the resolution language precisely.

CHAIRMAN GULDI:

So to the extent that we need to consider future alteration of our -- for clarification purposes our reverter's perhaps the language in both resolutions should be adapted so that it can be tracked into the deeds.

MS. COSTIGAN:

I think that's correct or you need to do a generic -- a global resolution that all things have to happen within so many years.

CHAIRMAN GULDI:

Yeah, but you see the trouble with that is that something's have frankly it seems to me that five years would be unreasonable for example, to extend a parking lot where ten years may not be unreasonable to build -- to construct a facility.

MS. COSTIGAN:

I agree. I think probably it's better on a case by case basis.

CHAIRMAN GULDI:

Okay.

MS. COSTIGAN:

It would certainly provide us with greater guidance if we knew when we we're suppose to kick the reverter clause over.

CHAIRMAN GULDI:

Unfortunately with this, you know, the implicit reasonable time is difficult to ascertain at best especially given government glacial time for progress in projects that seems to be all to often the matter of course. That being said, any other debate on this issue? All those in favor?

MR. SABATINO:

Just one other point on reverter clauses they're also designed to pick up a situation where the property's used for different purpose which -- we had this debate over a decade ago. We never got consensus because Legislators for the most part wanted to be differential to state, federal and local government and not put the hard line in. Plus the -- what Chairman Guldi indicated it varies from use to use, but it happens to be a good idea it's just that we never got a consensus over a decade ago, you wind up going case by case.

CHAIRMAN GULDI:

You know actually I think though we might actually be able to develop a consensus in terms of guidelines particularly given the project that you embarked on now with respect to both our costs now just the value. But tracking the history of where our 72h's for a period have gone and what has become of them I look forward to that information because that will give us the guidelines to let us know what sort of limitations we need. And from that I for one will proposed legislation to institutionalize some guidelines at least so that we can have more easily enforceable reverter clauses in our transfers.

LEGISLATOR CARACCIOLO:

Mr. Chairman, on that last point you just made. I think when looks west to Nassau County and the shambles it is in and continues to be in with respect to their finances one of the areas that they fell short on was the management of their real estate. And not they're looking to sell their real estate. In my point earlier was and is right now that this is valuable property. I dare say in

five or ten years it'll be worth much more it'll be much valuable and to not have the ability to go back where the County maybe yet again in the throws of another financial crisis and take this land back and sell it for the benefit of Suffolk County taxpayers is a mistake. So I'd be happy to work with you on that legislation.

CHAIRMAN GULDI:

All right. But moving right along lets stay here on the agenda and on point. On 2102, any further debate? All those in favor? Opposed? Approved. **(Vote: 7-0)**

LEGISLATOR HALEY:

Thank you.

CHAIRMAN GULDI:

2105. Adopting Local Law No. –2002, A Charter Law to expand prior written notice of defective condition requirements. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) I'm still waiting for a response from the Bar Association.

MR. SABATINO:

Public hearings is on second recess.

LEGISLATOR BISHOP:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Bishop second by myself. Discussion? All those in favor? Opposed? **(Vote: 7-0)** Mr. Brofman, please return to the horseshoe I need you.

2146. To establish limitation on contract agency/academic institution indirect costs. ASSIGNED TO Ways, Real Estate Transactions & Finance (Alden) Counsel, give us an explanation and why this was tabled at our last meeting.

MR. SABATINO:

This has been tabled because members of the former Finance Committee wanted clarification from the sponsor as to what indirect costs he believe should be contained.

LEGISLATOR BISHOP:

Tuition reimbursement?

CHAIRMAN GULDI:

Mr. Crecca, former chairman, did you ever hear from Legislator Alden on that issue?

LEGISLATOR CRECCA:

I did not, but I'm not going to say we made substantial effort to follow-up on it either.

CHAIRMAN GULDI:

Okay. We'll make some effort to follow that. Motion to table by Legislator Fisher second by Legislator Haley. Discussion? All those in favor? Opposed? 2146 is tabled. **(Vote: 7-0)**

2154. Adopting Local Law No. –2002, A Local Law to transfer Administration of Living Wage Law to County Department of Audit and Control. Assigned to Ways & Means, Real Estate Transactions & Finance (Bishop)

LEGISLATOR BISHOP:

Yeah. On the motion, I'm going to make a motion to table subject to call, but I want to explain first the goal of this legislation was to move the program under control of a management structure that was enthusiastic about the program. Unfortunately, the new Comptroller fails at that -- doesn't want the program. I have met with the program director, Brenda Rosenberg who has assured me that she is enthusiastic and she has not been interfered with by people above her in that she believes that the program can be managed efficiently and effectively. Therefore it will be my intention to leave it where it is. So motion to table subject to call.

LEGISLATOR HALEY:

Second.

LEGISLATOR BISHOP:

Thank you.

CHAIRMAN GULDI:

Motion by Legislator Bishop second by Legislator Haley. Counsel.

MR. SABATINO:

Then that's going to require --

LEGISLATOR BISHOP:

-- I know we need a budget model --

MR. SABATINO:

-- budget amendment now because there's no authority to do the work.

LEGISLATOR BISHOP:

I understand.

CHAIRMAN GULDI:

Okay. All those in favor? Opposed? 2154 is tabled subject to call. **(Vote: 7-0)** 2157 Appropriating Start-Up Funds in connection with the reconstruction of C.R. 80, Montauk Highway -

MS. COSTIGAN:

No. That's 2210.

CHAIRMAN GULDI:

Excuse me.

MR. SABATINO:

2157 Mr. Chairman was tabled subject to call in the previous Finance Committee.

LEGISLATOR BISHOP:

So it's not eligible, right? It's only eligible if we call it out.

MR. SABATINO:

So whether the point is it's -- it was table subject to call in committee so it's in committee, but it should be in a tabled subject to call category. Somebody can make a motion.

LEGISLATOR BISHOP:

Right.

MR. SABATINO:

It's still eligible to be voted on, but it just falls into the subject to call category.

CHAIRMAN GULDI:

Okay.

2210. Appropriating Start-Up Funds in connection with the reconstruction of C.R. 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Tabled at Legislator Towle's request at our last Ways and Means meeting, was it not, Counsel?

MR. SABATINO:

Yes. And what's going to happen now is because with a new fiscal year it's going to require a correct copy to get into 2003.

LEGISLATOR BISHOP:

I'll make a motion to table, but my question on this one is, why isn't this in Public Works?

CHAIRMAN GULDI:

Counsel, I believe this was start up funds (inaudible) or what?

MS. COSTIGAN:

It is start up funds. This is an 80% federally funded project; it's the start up funds for the public hearing which come to this committee.

MR. SABATINO:

It was land acquisition.

CHAIRMAN GULDI:

Yeah. Condemnation of land component.

LEGISLATOR BISHOP:

Oh, I see. This is towards the condemnation therefore, okay.

CHAIRMAN GULDI:

Yeah. Condemnation of land components come here.

LEGISLATOR BISHOP:

Understood.

CHAIRMAN GULDI:

Okay. But this needs to be amended. County Executive Office, you intend to move forward with the project and amend this bill for the budgetary purposes, is that correct. Or is this project being abandoned

MR. KNAPPE:

(inaudible)

CHAIRMAN GULDI:

So all right, you're going to file a new resolution or you're going to correct this one?

MR. KNAPPE:

(inaudible)

CHAIRMAN GULDI:

We have a motion to table and frankly if you're going to file a new resolution we can table this subject to call and move it from our agenda. If you're going to correct this resolution we'll leave it tabled. What are you going to do?

MR. KNAPPE:

I would advise if you could table the resolution. I do not have the exact answer of what our plan is at this time.

CHAIRMAN GULDI:

Fine. We have a motion to table and a second, but I'm going to request the County Executive to resolve whether you're going to revise or substitute and also to get directly in touch with Legislator Towle and address his concerns on this matter. Okay. On the motion to table. All those in favor? Opposed? 2210 is tabled. **(Vote: 7-0)**

2233. Adopting Local Law No. --2002. A Charter Law to change the County Tax Stabilization Reserve Fund Policy. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Haley)

LEGISLATOR HALEY:

Table.

CHAIRMAN GULDI:

Motion to table by Legislator Haley second by myself. All those in favor? Opposed? Tabled. **(Vote: 7-0)**

2252. To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Bishop)

LEGISLATOR BISHOP:

Motion to table.

LEGISLATOR HALEY:

Second.

LEGISLATOR BISHOP:

When are they coming before --

CHAIRMAN GULDI:

We actually have additional bills on agenda to address that subject. Okay. We'll deal with them -- we'll deal with scheduling --

LEGISLATOR BISHOP:

The reason I'm tabling is that they -- it was indicated to me that they are conducting the very audit that's called for in the resolution. I'm not certain that that's happening that's why I'm tabling, but I want to know when do I find that out here?

CHAIRMAN GULDI:

Wasn't that --

LEGISLATOR CRECCA:

-- by the next meeting you will I think because there's been a preliminary audit and in the preliminary audit I believe it lays out what the full audit will provide.

CHAIRMAN GULDI:

Yeah. And Mr. Pollert indicated he anticipates the distribution of that.

LEGISLATOR BISHOP:

This is not the question of the overall funds. This is a specific area; the EMHP has a contract with a pharmacy benefit manager PBM and PBM is around the country have been heavily scrutinized in recent years and found to have engaged in activities that result in there contractors not receiving the benefits that they thought they were receiving. So that was what I was asking for. They said they were conducting that discreet audit, I don't know it to be the case and I was wondering are planning to bring this before this committee?

CHAIRMAN GULDI:

Is Mr. Pollert still available as a member of the audit committee and can someone answer that? I saw a hand go up I have a volunteer. Come on up from the County Attorney's Office Ms. Braddish, you have some information on this subject? That'll teach you to raise your hand.

MS. BRADDISH:

Well, I'm a member of the EMHP Committee so as far as that goes I believe it was going to be the EMHP not the Audit Committee that Fred --

LEGISLATOR BISHOP:

-- right, that's right --

MS. BRADDISH:

-- is the chairman of and I believe that they were going ahead with it, but we don't have a final contract with {MARSH} yet who is our consultant who would be doing the audit. So it's on board; I believe it's being part -- I know the --

CHAIRMAN GULDI:

-- part of the scope of the work of the proposed order. What's --

MS. BRADDISH:

-- yeah, they're just working out the details.

CHAIRMAN GULDI:

What's the status of the contract in terms of timing?

MS. BRADDISH:

I believe we're close to a signature.

CHAIRMAN GULDI:

Okay.

LEGISLATOR BISHOP:

And you're going to be regularly joining us at this committee?

MS. BRADDISH:

Am I?

LEGISLATOR BISHOP:

Yes. Are you here because you've been assigned to be here every week?

MS. BRADDISH:

No. I have leases on.

LEGISLATOR BISHOP:

Okay.

MS. BRADDISH:

I mean, if you want me to.

LEGISLATOR BISHOP:

I just want an answer to that question at the next meeting that's all I'm saying.

MS. BRADDISH:

Right. I'll fine out for you because I know it did come out up at EMHP on Friday.

LEGISLATOR BISHOP:

You can email me the answer.

MS. BRADDISH:

That's fine.

LEGISLATOR BISHOP:

That's fine. Thank you very much.

CHAIRMAN GULDI:

Thank you. On the motion to table second by myself. Discussion? All those in favor? Opposed?
Tabled. **(Vote: 7-0)**

**2254. Striking illegal appropriations for Public-Safety Revenue Sharing. ASSIGNED TO
Ways & Means, Real Estate Transactions & Finance (Alden)** It's not eligible for a vote. I'll
make a motion to table subject to call and remove it from our agenda.

LEGISLATOR CARACCILO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. All those in favor? Opposed? Tabled subject to call. **(Vote: 7-0)**

2267. Sale of County-owned real estate pursuant to Local Law 13-1976 (Seven Seas Unlimited Inc.) (0500-237.00-02.00-025.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

LEGISLATOR BISHOP:

Could you go over the 13's first?

CHAIRMAN GULDI:

13's are neighborhood -- 13's are neighbor auctions of parcels that are appraised for less than \$20,000, is that correct Ms. Costigan?

MS. COSTIGAN:

That's correct.

CHAIRMAN GULDI:

And they are made on a multiple round mail auction basis to only adjacent land -- directly adjacent landowners.

LEGISLATOR BISHOP:

Thank you.

CHAIRMAN GULDI:

This one was tabled because?

MS. COSTIGAN:

The reason it was tabled is that when you look at the map there's an odd strip next to it and you wanted to know who were the owners of the strip and why had they not bid on the property.

CHAIRMAN GULDI:

Or had they been notified.

MS. COSTIGAN:

They are the bidder. They also own the strip.

CHAIRMAN GULDI:

I see, Seven Seas Unlimited is the bidder; they own the strip, but not the adjacent parcel 8 or do they own one of the other parcels as well? I mean, are we --

MS. COSTIGAN:

We have covered all the adjacent parcels and buyers.

CHAIRMAN GULDI:

Yeah. My concern though is, are we taking -- we are selling a strip to an adjacent strip. Is somebody putting together a parcel or are we just making hamburger of the tax map?

MS. COSTIGAN:

They're putting together the parcel.

CHAIRMAN GULDI:

A parcel that those two strips with an adjacent parcel?

MS. COSTIGAN:

Yes.

LEGISLATOR CARACCILO:

What's the appraised value?

CHAIRMAN GULDI:

The appraised value was \$1500 that was the sole bid.

MS. COSTIGAN:

Yes.

MR. SABATINO:

The other question was raised at the committee Mr. Chairman was whether or not they would be needed for County roadwork at a later date. Somebody raised that question.

CHAIRMAN GULDI:

Yeah. And did we get any response from DPW on that. Obviously, they wouldn't have or they make that determination before they send it to your department, do they not?

MS. COSTIGAN:

That's right. Before it was offered it was -- it goes around to ask if anyone has a use for it so it's surplus.

CHAIRMAN GULDI:

Do we know why we replaced it in the first place? Was it used for construction project or was it condemn in connect with a project not completed?

MS. COSTIGAN:

We don't know.

CHAIRMAN GULDI:

Okay.

MS. COSTIGAN:

We just know it's surplus now.

CHAIRMAN GULDI:

Yeah. And frankly if we need to do a project looking at the tax map related to this we're going to need to do a lot of condemnation because of the shape and contour of the adjacent parcels. My concerns are addressed. I'll make a motion to approve and placed on the consent calendar.

LEGISLATOR HALEY:

Second.

CHAIRMAN GULDI:

Second my Legislator Haley. 2267 is motion to approve and place on the consent calendar. All

those in favor? Opposed? Approve and on the consent calendar. **(Vote: 7-0)**

2298. Adopting Local Law No. –2002, A Local Law to expand exemptions to the Living Wage Policy for the County of Suffolk. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Binder) Counsel.

MR. SABATINO:

Because Legislator Bishop version was adopted with a CN at that last meeting in December this is inconsistent with that.

CHAIRMAN GULDI:

Motion to table subject to call by Legislator Bishop second by myself. Discussion? All those in favor? Opposed? 2298 is tabled subject to call. **(Vote: 7-0)** One of the things that I have instructed my staff to do and which you see the results of before you is an effort to bring coherence to the meetings I've separated the agenda into Real Estate, Finance and other matters so that we're not playing musical chairs at the table and can move more rapidly. We'll now proceed.

LEGISLATOR BISHOP:

I think it's instructive -- I think it's informative that you instructed your staff to do that rather than take that on yourself. Bring coherence to the meeting.

CHAIRMAN GULDI:

Well, obviously for the obvious reasons. Actually, in the future what we'll do is we'll -- I have them parse the tabled resolutions into each section instead of dealing with them in up front in a separate section since it would be more orderly to do it in that way. All right.

Introductory Resolutions: Real Estate:

Local law 16's for those that are new to the committee are 16's are redemptions essentially of real property by the taxpayer or mortgagee after the County has taken not have they've lost their right. They are of right applications because they are within a timely manner they are customarily processed with the repayment of all taxes, penalties and interest. There are waivers of interest and penalties are handled separate.

LEGISLATOR BISHOP:

We have discretion, right?

CHAIRMAN GULDI:

We have discretion only to the extent that we can declare a higher governmental purpose for the parcel and frankly I for one though it's not clear when we can do that. I for one feel that we should do that prior to the submission of any application for redemption as of right under Local Law 16.

MS. COSTIGAN:

The statute does speak to that.

LEGISLATOR BISHOP:

And what does the statute say?

MS. COSTIGAN:

What you just said.

CHAIRMAN GULDI:

Okay.

LEGISLATOR BISHOP:

Explain to me in practical terms.

CHAIRMAN GULDI:

Right. In practical terms that once we take the property by deed there is a three year or 18 month period.

LEGISLATOR BISHOP:

How long do we wait to take it by deed first of all?

CHAIRMAN GULDI:

Three years.

MS. COSTIGAN:

Three years. And then there is a six month period in which these people have applied that's a 16 as in the six month period.

CHAIRMAN GULDI:

Six months from the taking of the deed.

MS. COSTIGAN:

Right.

LEGISLATOR BISHOP:

Which is three years after they stop paying.

CHAIRMAN GULDI:

Well, --

MR. SABATINO:

-- there's three categories though just to -- vacant land and commercial property are one year plus six months. Residential property is three years plus six months; that's when they have a statutory right to the redemption, but as Chairman Guldi indicated the only discretion you have is to reject that under a statutory process that establishes a high governmental purpose which means you have to identify what governmental purpose you're going to use the property for and then pass two resolutions to achieve that.

CHAIRMAN GULDI:

Yes. And I for one feel that the order that that should be done in is that the legislative process for declaring a higher governmental purpose should be initiated and preferably completed prior to the submission of an application for redemption. And if the applicant comes in for the redemption prior to the declaration of governmental purpose I would feel uncomfortable with reversal of the in right redemption. You said the statute addresses that specifically that requires that?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Okay. So we have one that's been tabled for sometime that I think we'll get to that precisely falls into that category where we have been tabling a -- actually I think it was yesterday in the Land Acquisition Committee where we tabled the underwater land declaration of governmental interest.

LEGISLATOR FISHER:

(inaudible)

CHAIRMAN GULDI:

Yes. That is an underwater land redemption that would ordinarily be under the Local Law 16. The declaration of high governmental interest well, it's pending until it's adopted the applicant still can come in and defeat I believe the application of the principle of declaration of higher governmental interest.

LEGISLATOR BISHOP:

Can I ask for to interrupt for to ask a question relating to my district, but relating to this issue?

CHAIRMAN GULDI:

Sure.

LEGISLATOR BISHOP:

I have a Brownfield; they haven't paid taxes for 10 years, but the County hasn't taken the deed because there's pollution beneath it.

CHAIRMAN GULDI:

Right.

LEGISLATOR BISHOP:

The -- what would be the order now if I wanted to begin a process to turn it to -- it's a factory into a youth center let say?

CHAIRMAN GULDI:

Well, the trouble with the Brownfield --

LEGISLATOR BISHOP:

-- I have to pass a resolution now before they redeem --

CHAIRMAN GULDI:

-- well, actually we haven't taken the deed because once you take the deed under the Navigation Law you're strictly libel for the cleanup. The second we take the deed we own the land --

LEGISLATOR BISHOP:

-- oh, I understand that --

CHAIRMAN GULDI:

-- and the \$50 a barrel or \$500 a barrel for removal of the soil for whatever it cost to clean the place up it becomes our obligation.

LEGISLATOR BISHOP:

I've done studies and I'm aware of the cost.

CHAIRMAN GULDI:

Okay. Well, once we take the deed there would be a six-month period for redemption unless which could only be cut off by a legislative resolution declaring a higher governmental interest.

LEGISLATOR BISHOP:

So if we take the deed we control the destiny.

CHAIRMAN GULDI:

Yes. In fact, it would take the deed, but we also own the pollution.

LEGISLATOR BISHOP:

We own the pollution as well, I understand that part. Okay. Thank you.

CHAIRMAN GULDI:

Okay. So the, of right applications under Local Law 16 customarily my question to Ms. Costigan or the Real Estate representative of the Real Estate Division is are all of these applications of right and complete and correct and have you reviewed them? Or are any of them have any anomalies for you to report?

MS. COSTIGAN:

I have reviewed them all and on all of them the outstanding funds have been paid and I have nothing to report other than that.

CHAIRMAN GULDI:

Okay. So on that basis I'm going to may a motion to approve and place on the consent calendar the following Local Law 16's. 2304 which is -- no actually one of the reasons I think it's important to read the names and the locations is the possibility of a conflict between any member of the legislature and any relative or business associate who may actually have a Local Law 16 before us particularly since we're placing them on the consent calendar I like to put them on the record. So the first one is....

2304. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Janie Filoteo and Charles Parisi, as tenants in common (0600-027.00-01.00-030.001). ASSIGNED Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Mr. Caracciolo.

LEGISLATOR CARACCILOLO:

Yes. Ms. Costigan, with respect to your statement about nothing being out of the ordinary on these. They've all not only paid back their taxes and penalties, but they did so in a timely manner within the six month redemption period?

MS. COSTIGAN:

The -- yes. There's nothing extraordinary about any of these. There are various circumstances under which they happened. There are deaths involved. There are notices, but none of them are extraordinary.

LEGISLATOR CARACCILOLO:

Okay. Just while we are taking a primer refresher primer for some members of the committee on these actions related to 13's and 16's and so forth, what are the provisions that permit the redemption after the six months?

MS. COSTIGAN:

Mr. Sabatino, can speak particularly to that. The application of the prior owner or the mortgagee would be processed through the Legislator's office. It would reviewed by Mr. Sabatino for acceptance to the Legislature after which time it would come over to us for collection of the monies and processing of the paperwork. But there are hardship circumstances, which would have to be met.

CHAIRMAN GULDI:

Well, hardship or certificate of abandonment criteria which is there is some failure, omission or defect in our taking. Something that we have systematically attempted to address to minimize the possibility of. We fairly routinely for example in the long past neglected to notify mortgagees of the taking and the failure to notify a part with a mortgage interest of record on the parcels was a constitutional defect permitting them to come to us many years, as much as six years, after the taking and have us upon presentation of the taxes and penalties and interest and arrears give up our title to the land. Which is one of the reasons for the extensive holding period between our taking and the auction.

MS. COSTIGAN:

Indeed, I was speaking only to redemptions. We'll have two abandonments coming up a little later.

LEGISLATOR CARACCILO:

Okay. So as a matter of right a taxpayer is not permitted to redeem property beyond the three year six months unless it falls into a certificate of abandonment category?

MS. COSTIGAN:

No, no. Beyond the three years six months it falls into this other category of specific hardships must be demonstrated. That's separate and apart from the --

LEGISLATOR CARACCILO:

-- or failure to receive proper notices as a --

CHAIRMAN GULDI:

-- failure to receive notice is the constitutional one.

MS. COSTIGAN:

No, no. The hardships are unemployment, illness, death.

MR. SABATINO:

The Director is correct, plus there's the governmental error categories.

CHAIRMAN GULDI:

Right.

MR. SABATINO:

So it's the hardship that was described or a governmental error. There's also two-year statute of limitations on that however so it's not unlimited. It has to be done within two years of the

expiration of the six-month period and corporations are not eligible.

LEGISLATOR CARACCILO:

Okay.

CHAIRMAN GULDI:

Okay. All right. So I'm going back to the record, I'm making a motion to place the following Local Law 16's on the -- approve and place on the consent calendar. 2304,

2305. Authorizing the sale of pursuant to Local Law 16-1976, of real estate pursuant to Section 46, of the Suffolk County Tax Act Arnold J. Bencini Jr. (0200-546.00-03.00-014.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Is Brookhaven.

2306. Authorizing the sale of pursuant to Local Law 16-1976, of real estate acquired under Section 46 of the Suffolk County Tax Act Arnold J. Bencini Jr. (0200-546.00-03.00-013.002). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Is the same owner, same town, and adjacent parcel.

2307. Authorizing the sale of pursuant to Local Law 16-1976, of real estate pursuant to Section 46, of the Suffolk County Tax Act Daniel Burkitt and Caroline Burkitt (0200-377.10-11.00-140.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Brookhaven, I'll make those four together. Place those four on the consent calendar. All those in favor? Opposed?

LEGISLATOR CARACCILO:

Abstain.

CHAIRMAN GULDI:

Then they don't make the consent calendar. Okay. I'll withdraw the motion to approve and place on the consent calendar. I'll make a motion to approve which will extend the meeting substantially.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Well, after reading 20 extra resolutions each meeting it's and extra hour at each General Meeting. All those in favor? Opposed? Approved, but not place on the consent calendar. **(Vote: 7-0)**

2312. Authorizing waiver of interest and penalties for property tax for Nick Poulos (SCTM No. 0200-686.00-04.00-019.000, 019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle) Motion to table by Legislator Bishop. Counsel, do you have a comment?

MR. SABATINO:

Yes. There are some technical problems with it, plus we still have that lawsuit pending.

CHAIRMAN GULDI:

Motion to table -- Legislator Caracciolo, a question for Counsel.

LEGISLATOR CARACCILOLO:

What's the lawsuit?

MR. SABATINO:

It's the lawsuit; there's actually four lawsuits. The most recent issue is whether or not with the County Comptroller leaving office the new County Comptroller is going to stand in the shoes of the old County Comptroller, but there were four different lawsuits challenging individual -- three challenged individual transactions and one is challenged the statute. And I've sent about five or six memos out on this over the last year and that's where we are.

CHAIRMAN GULDI:

Okay. Motion to table by Legislator Bishop second by Legislator Fields. All those in favor? Opposed? Tabled. **(Vote: 7-0)**

2322. Authorizing conveyance of parcels to the Brookhaven National Laboratory in the Town of Brookhaven (Section 72-h, General Municipal Law). ASSIGNED Ways & Means, Real Estate Transactions & Finance (Caracciolo) We had an extensive presentation on.

Motion by Legislator Caracciolo second by Legislator Fisher. Ms. Costigan.

MS. COSTIGAN:

On this motion, you heard earlier from Brookhaven, we support the motion having worked for sometime. My office has been working with them on it. I would note that the Brookhaven representative did mention up to 20 years where the resolution speaks 8 to 15 and if they're serious about the 20 --

CHAIRMAN GULDI:

-- the resolution would need to be amended --

MS. COSTIGAN:

-- the resolution would need to be amended.

CHAIRMAN GULDI:

Or else frankly 15 years from now we would have to extend the possession agreement with BNL because the reverter law would work automatically. So I see the representatives are still here. How real is the post 15-year prospect? Is it theoretical or is it -- you have to come forward and us the microphone.

MS. COSTIGAN:

And I would point out the reverter does not again work automatically. It's if the County is satisfied with the clean up. So this too is discretionary reverter.

CHAIRMAN GULDI:

Discretionary -- who's going to exercise the discretion? I guess --

MR. SABATINO:

This one was written very carefully. This one says that it would require the termination by a duly enacted resolution, so this would require a subsequent legislative act to be satisfied that the clean up was done in accordance with County standards. So you actually get to vote on it.

CHAIRMAN GULDI:

Yeah. But the question is who brings it to our attention and initiates the process that's the problem. It could just (inaudible).

MS. COSTIGAN:

Who's going to tickle it in my outlook? I'll come up 15 years from now.

CHAIRMAN GULDI:

I don't know what you did, but I'm sure it wasn't bad enough that you'll be here in 15 years. You don't deserve to be punished that much. Sir, what's the 15 to 20 year prospect?

MR. HAUPTMAN:

The 15 years is fine. It's based on modeling projections so they have a little leeway in them.

CHAIRMAN GULDI:

Okay. So it's not automatic in any event in terms of the reverter. The one concern I have is in terms of discussing the reverter agreement. I asked if there was draft of it earlier and there is not and some of the details need to be incorporated. Is the resolution sufficiently specific or to permit the matters we discussed or is it going to be a cut and paste copy in terms of the terms like it is on the 72h reverters?

MS. COSTIGAN:

This resolution does not -- is not quite as limited as the other one. It just says that it shall contain a reverter clause to the effect that which probably gives us some --

CHAIRMAN GULDI:

-- to the effect that and which gives us the opportunity to draft what you need to draft is sufficiently to satisfy the Real Estate Division.

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Okay. We have a motion to approve and a second. All those in favor? Opposed? Approved.
(Vote: 7-0)

2327. Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Is County Exec's representative here on this issue? How is this different than the one we've already tabled? Where is this and what is it for?

MR. FAULK:

I can't speak to this today, I'm not sure of the details on this one.

CHAIRMAN GULDI:

Motion to table by Legislator Haley second by myself. Discussion? All those in favor? Opposed?

Please have someone here to present on the resolution on the next meeting. **(Vote: 7-0)**

2328. Authorizing the lease of premises located at 50 Laser Court, Hauppauge, New York for the Department of Health Services. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

LEGISLATOR CRECCA:

Motion.

CHAIRMAN GULDI:

On the motion, I just saw Mr. Jones flee. Oh, Health, that's not you? You didn't run away on this one? Come on down and counsel on the lease.

MR. SABATINO:

There has to be a public hearing in the legislative district --

CHAIRMAN GULDI:

-- and it hasn't been scheduled in Health before approval? Motion to table.

LEGISLATOR CRECCA:

I think it's been held already, hasn't it?

MR. SABATINO:

Oh, it has been held, okay, that was the question.

LEGISLATOR CRECCA:

Yeah. It's eligible.

CHAIRMAN GULDI:

All right. Come on down and let's discuss the lease.

LEGISLATOR CRECCA:

Just while they're coming down, I'm calculating the cost on the lease to be \$13.50 a square foot on an annual basis. And then it goes up under the terms of the lease it goes up eventually to about \$15.50 a square foot which is I would think is a very reasonable rate for the area that this is in knowing the area.

MS. COSTIGAN:

Mr. Chairman, I'm sorry. Just before you get to this the matter that you just went over the Brookhaven affordable housing. It could be they expected us to carry that one; it's a fairly standard. These are properties that were requested by Brookhaven that are surplus that do suit the outlines. They're all vacant for affordable housing and we complied the list.

CHAIRMAN GULDI:

Yeah. The map's attached. We've got one parcel in North Bellport -- 2327 -- lot 26, one lot, is that correct?

LEGISLATOR HALEY:

It's one lot.

MS. COSTIGAN:

The --

CHAIRMAN GULDI:

-- no, it's actually three lots.

MS. COSTIGAN:

No. There are three lots.

CHAIRMAN GULDI:

9, 10, 11 and lot 26 in block 3.

MS. COSTIGAN:

The letter from Brookhaven is there; the acceptance from Brookhaven exists.

CHAIRMAN GULDI:

It's in North Bellport?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

I have the Brookhaven resolution; I have a marked Hagstrom indicating a lot in North Bellport.

MS. COSTIGAN:

Right.

CHAIRMAN GULDI:

And a tax map that seems to correspond.

MS. COSTIGAN:

Yes. This is lot -- this one is lot 026.

CHAIRMAN GULDI:

That's lot 26. What about lots 9 through 11 that are also referred to in the --

LEGISLATOR HALEY:

(inaudible)

CHAIRMAN GULDI:

I see. It's actually from a filed map.

MS. COSTIGAN:

From the filed map, exactly.

CHAIRMAN GULDI:

26 I see lots 9, 10, 11 are sub lots within it. This is 150 by 100 and it seems to be a parcel in North Bellport on Davidson Avenue, a road indicated on the tax map.

MS. COSTIGAN:

Yes.

LEGISLATOR HALEY:

Mr. Chairman, it's 75 by 100.

CHAIRMAN GULDI:

No. Actually, each of the 75 -- each of the three sub lots in the filed map is 75, are they not?

LEGISLATOR HALEY:

No, no.

MS. COSTIGAN:

No. Each is 25.

CHAIRMAN GULDI:

Oh, okay. So it's 75 by 100.

MS. COSTIGAN:

75 by 100.

CHAIRMAN GULDI:

So it's a single parcel.

MS. COSTIGAN:

Indeed.

LEGISLATOR HALEY:

Right.

CHAIRMAN GULDI:

Okay. We had made a motion to table it. Is there any motion to reconsider?

LEGISLATOR HALEY:

Yeah. I'll make the motion.

CHAIRMAN GULDI:

Motion to reconsider by Legislator Haley.

LEGISLATOR FISHER:

I'll second it.

CHAIRMAN GULDI:

Second by Legislator Fisher. All those in favor? Opposed? **(Vote: 7-0)** It's now before us.

Motion to approve by Legislator Fisher second by Legislator Haley. All those in favor? Opposed? 2327 is approved. **(Vote: 7-0)**

MS. COSTIGAN:

Thank you.

CHAIRMAN GULDI:

Back to 2328.

LEGISLATOR CRECCA:

Mr. Chairman, I made comments earlier about those lease rates.

CHAIRMAN GULDI:

You were wrong.

LEGISLATOR CRECCA:

Yeah. Well, I was looking at the next bill and not this bill. So disregard.

CHAIRMAN GULDI:

Give us a brief synopsis of the lease terms and the purposes for this structure.

MS. ALLAR:

The lease term is a 20-year term. The square footage of the building is 12,900 square feet. The cost of build out we broke down base rent and the cost of build out -- the cost of the build out will be absorbed over the first 10 years of the lease.

CHAIRMAN GULDI:

Cost of build out per square is?

MS. ALLAR:

I'd like to go into executive session.

CHAIRMAN GULDI:

The lease is already negotiated.

MS. ALLAR:

Yes.

CHAIRMAN GULDI:

They're incorporated in the documents next to the backup to the bill. I don't see any basis for executive session Counsel, do you? We're no longer in negotiations, are we?

MR. SABATINO:

Well, you can't even go into negotiations, you can only in for litigation's so unless they're some litigation issue that I'm not aware of. I mean, if there is then that would be the basis, but -- unless it's a personnel matter.

MS. ALLAR:

No, no, that's fine.

CHAIRMAN GULDI:

There's no personnel matter?

MS. ALLAR:

No.

CHAIRMAN GULDI:

You're sure?

MR. SABATINO:

I mean, unless it's some internal review or something.

CHAIRMAN GULDI:

No. What's the cost of the build out and what's the cost per square on the proposed lease?

MS. ALLAR:

The total cost of the build out is \$617,910 and it's broken down for the first ten years at \$4.79 per square foot.

CHAIRMAN GULDI:

And that work includes generally?

MS. ALLAR:

That includes the tenant improvements. The interior of the building; the painting, the carpeting --

CHAIRMAN GULDI:

-- this is Health Department we're doing and any lab or examining rooms or anything in that cost?

MS. ALLAR:

No. This is an office building.

CHAIRMAN GULDI:

Okay. It's only offices.

LEGISLATOR CRECCA:

(inaudible)

CHAIRMAN GULDI:

It's basically an additional rent item, which is?

MS. ALLAR:

Base rent which is 16.50 a square foot.

LEGISLATOR CRECCA:

(inaudible)

MS. ALLAR:

Correct. However on the base rent is where we have our annual escalation. So on the build out we do not pay an annual escalation. It's a set fee, fixed rate. Would you like us to slap him, we will.

LEGISLATOR CRECCA:

Right. So if the build out cost was high it would actually and our rent was low theoretically the increase is only going to apply to the rent portion not to the build out cost.

MS. ALLAR:

Correct.

LEGISLATOR CRECCA:

And that would be beneficially to us as tenants, potential tenants.

MS. ALLAR:

Correct, because when we renew we're not going to renew with a tenant improvement that we've already paid for that has already been established. Now in the 11th year the rent drops down by almost \$5.00 a square foot.

CHAIRMAN GULDI:

Subject to the escalations during the first on the base rent.

MR. ALLAR:

No. Subject to the build out itself. In the year 11 through 20 there is no build out.

CHAIRMAN GULDI:

I understand that, but in year 1 through 10 there are escalations on the 16.50.

MS. ALLAR:

Correct, through the year 20 there will be a escalation only on base rent, CAM and that is at 2½% per annum.

CHAIRMAN GULDI:

CAM is common area maintenance charges for those for the record. These executive offices to be located at 50 Lazar Court for the Health Department are going to accommodate what portions of the Health Department?

MS. CARBONETTO

Bureau for Children with Special Needs.

CHAIRMAN GULDI:

And where are they located now?

MS. CARBONETTO:

450 Oser.

CHAIRMAN GULDI:

And 450 Oser's lease terminates?

MS. CARBONETTO:

It has terminated.

CHAIRMAN GULDI:

It has terminated; we're month to month there?

MS. ALLAR:

Correct.

CHAIRMAN GULDI:

Okay. So this premises is an existing structure that's going to be altered for our use?

MS. ALLAR:

Correct.

CHAIRMAN GULDI:

And our estimated date of occupancy.

MS. ALLAR:

We're hoping for the end of April.

CHAIRMAN GULDI:

Of 2003.

MS. ALLAR:

2003.

CHAIRMAN GULDI:

Okay. The Sun Associates LLC is the landlord. Who are the principal's of Sun Associates LLC? Do we have the disclosure documents here?

SPEAKER:

Yes.

CHAIRMAN GULDI:

Yeah. I just want to put it on the record. Betty Sun signed the lease. I want to put the disclosure documents on. Well, while I'm scanning for the disclosure documents to itemize who the principals in this lease are, who is the broker on the transaction?

MS. ALLAR:

The broker was Jerry Guerra.

CHAIRMAN GULDI:

Jerry Guerra of?

MS. BRADDISH:

Alliance Associates.

MS. ALLAR:

Alliance Associates.

CHAIRMAN GULDI:

And his compensation is paid by the landlord?

MS. ALLAR:

Correct.

CHAIRMAN GULDI:

Okay. And what was the process for the selection of the broker?

MS. ALLAR:

I'm sorry. Would you please repeat the question?

CHAIRMAN GULDI:

How did we come to locate this property?

MS. ALLAR:

Okay. What we do is in Space Committee when I'm requested to look for sites for particular department's needs, I will contact various brokers. And I would send out a statement indicating exactly what Suffolk County is looking for to lease. The square footage, the use, the location, etc.

CHAIRMAN GULDI:

Okay.

MS. ALLAR:

And different brokers get back to me with different sites.

CHAIRMAN GULDI:

Okay. What -- the various brokers you contact you have a list?

MS. ALLAR:

Yes. I do.

CHAIRMAN GULDI:

And how is that list developed, maintained and you know, etc.?

CHAIRMAN GULDI:

MS. ALLAR:

Well, I maintain it and different brokers contact me and asked to be on the list and I put them on the list and I send it out. It's approximately I would say I send out to approximately 15 to 20 different brokers.

CHAIRMAN GULDI:

15 to 20 different brokers. All right. And have any brokers requested to be on that list who have not been place on it?

MS. ALLAR:

Not that I recall. There are brokers who are on the list who request only to be notified if Suffolk County is looking for significantly large buildings to rent over 50,000 square feet. So I wouldn't bother them with a 2,000 square foot rental.

CHAIRMAN GULDI:

I understand. Have brokers been eliminated from the list.

MS. ALLAR:

I don't believe so.

CHAIRMAN GULDI:

Okay. The brokers representing Sun -- according to page 167 of the disclosure documents I want to read, the brokers representing Sun Associates LLC is Jerome Norton of Grubb and Ellis, 95 Broadhollow Road, Melville, New York. Have you had any contact with them?

MS. ALLAR:

No.

CHAIRMAN GULDI:

According to page 167 of the backup Grubb and Ellis is a publicly traded company. It's corporate information is public. Other brokers involved in the transaction are Jerry Guerra of Alliance Partners.

MS. ALLAR:

It seems to me that they're sharing the brokerage fee.

CHAIRMAN GULDI:

Who's Jeffrey E. Nemshin?

MS. ALLAR:

I don't know. But I do know that Suffolk County does utilize the services of Grubb and Ellis. We do utilize the services of Grubb and Ellis and there are many different brokers who work for that firm. And many times one broker will come to Suffolk County, but they're sharing the fee because they found out through multiple listings or through there own networking what parcels are available.

CHAIRMAN GULDI:

The rest of the brokerage clause is confusing to me. It states after Alliance Partners and (inaudible) there's a parenthesis that says, Jerry Guerra, Jeffrey E. Nemshin and Steve Fine are the sole partners of the LLC.

MS. BRADDISH:

Alliance Partners.

CHAIRMAN GULDI:

Alliance Partners LLC.

MS. BRADDISH:

Yes.

CHAIRMAN GULDI:

Not the Sun Associates LLC.

MS. BRADDISH:

No.

MS. ALLAR:

No.

CHAIRMAN GULDI:

There's some confusion there.

MS. BRADDISH:

No. I'm sure of that.

CHAIRMAN GULDI:

What page of the principals for Sun Associates disclosed on the back up, please? I haven't located that yet and I want to inquire on that.

MS. BRADDISH:

It should be the second to either the last or second to last exhibit.

CHAIRMAN GULDI:

Yes. 169, is that it, Betty Sun?

MS. BRADDISH:

It would be -- the exhibit page 46 of 46.

CHAIRMAN GULDI:

Yeah. But Betty Sun lists herself as only a member and I don't see who the other members and parties of interest and the landlord are in the disclosure documents.

LEGISLATOR FIELDS:

There's a page that she says she's 100% owner.

CHAIRMAN GULDI:

The property is 100% owned by Sun Associates LLC that's on page 166, but she identifies herself only as a member of Sun Associates LLC and that does not disclose who the principals or parties of interest are. I have a problem with that.

LEGISLATOR BISHOP:

Can we table it for a meeting?

MS. BRADDISH:

You have time.

CHAIRMAN GULDI:

We do want to get into the space, but --

MS. BRADDISH:

Fine, I can have them --

LEGISLATOR BISHOP:

-- or do you want to discharge without recommendation and get the information?

LEGISLATOR HALEY:

I have a question, George.

CHAIRMAN GULDI:

Yeah.

LEGISLATOR HALEY:

You're concern about ownership --

CHAIRMAN GULDI:

-- ownership, yes, because we have a statute that requires disclosure of ownership.

LEGISLATOR HALEY:

But she can certainly be a member and own a 100% and the officers could be anybody or non-ownership.

CHAIRMAN GULDI:

It could be, but the documents don't disclose is and we need is and I'm just concerned about undisclosed principals because there's a distinct possibility that and that is specifically prohibited.

LEGISLATOR HALEY:

So you're saying it might be something different than 100% ownership.

CHAIRMAN GULDI:

Well, 100% ownership statement does say -- what page are you looking at?

LEGISLATOR HALEY:

I'm on 165 now.

CHAIRMAN GULDI:

165 cause I was looking at 166 where it says property is 100% owned. Federal ID# member, treasurer. The officer disclosure list -- oh, I see, % of stock owned. Is that the item you're referring to?

LEGISLATOR HALEY:

Yeah.

CHAIRMAN GULDI:

On 165?

LEGISLATOR HALEY:

Yes. So she's 100% stock owner and the property is owned by Sun Associates, I mean, it's pretty clear, but what you don't know is who might be the officers of the corporation who aren't owners.

CHAIRMAN GULDI:

Yeah, but --

LEGISLATOR HALEY:

-- why does that make a difference?

CHAIRMAN GULDI:

Cause it's a statute requiring the disclosure of the officers and directors.

LEGISLATOR HALEY:

I thought it was ownership. Is it officers and directors?

CHAIRMAN GULDI:

Counsel, does the statute cover both or is it just --

MR. SABATINO:

The statute requires all the things you see in the form.

CHAIRMAN GULDI:

Including the blanks.

MR. SABATINO:

The form tracks the statute so in the case of a corporation president, vice president, secretary, treasurer.

CHAIRMAN GULDI:

And a LLC is required by the statute to have statutory officers, is it not? It's like a business corporation law if you're the sole owner you can have a sole officer, but you are required to have officers.

MR. SABATINO:

From the standpoint of accuracy, the document should be accurate.

CHAIRMAN GULDI:

Okay.

LEGISLATOR HALEY:

I'm not sure I agree, you know, I'm trying to read that item c, going by to 164.

CHAIRMAN GULDI:

164.

LEGISLATOR HALEY:

The owner is a limited liability company state name and address of each officer, director and stockholder and the amount of stock held and owned by each stockholder.

CHAIRMAN GULDI:

Right.

LEGISLATOR HALEY:

All right.

CHAIRMAN GULDI:

Go to the next page, officers are blank.

LEGISLATOR HALEY:

All right.

CHAIRMAN GULDI:

Now it may well be Betty Sun is the sole officer president and --

MR. SABATINO:

But also she should identify herself as a shareholder if she's saying she owns 100% of the stock, I mean, I'm not sure what member is because --

CHAIRMAN GULDI:

Well, see that's --

LEGISLATOR HALEY:

A limited liability corporation is called a member, correct? And I'm not a lawyer.

CHAIRMAN GULDI:

See that's what compounds my confusion with respect --

MR. SABATINO:

That's why I'm saying I don't think it's accurate. She may well, in fact, be the only person, but you can't be certain from the document that's all.

CHAIRMAN GULDI:

The problem I have also is the array of brokerage is somewhat confusing because we have a broker that we approached obviously the landlord has a broker that they have a relationship with. And then we have two more brokers in the mix that we don't know who are because we haven't dealt with them according to Ms., is that correct this Jeffery Nemshin and Steve Fine?

MS. ALLAR:

No. We only -- I do know that Steve Fine is a partner with Jerry Guerra. So I assume the other person is also and they make up as Basia indicated Alliance Partnership.

CHAIRMAN GULDI:

I see, okay.

MS. ALLAR:

But I only dealt with Jerry Guerra.

MS. BRADDISH:

With my discussions with the Sun's they were concerned about and I don't know what the relationship of any of the brokers are. They were aware that the only person we had ever dealt with was Alliance Partners. I think they were trying to give everything to be as opened about it as they could. They've been very diligent about operating in that manner and they probably gave you more information than you needed.

CHAIRMAN GULDI:

Well, except for one thing. Let's go back to 167 subdivision K of the preprinted form has been modified and I don't understand why. Frankly, I don't even understand what it means. Counsel, do you see the modification I'm referring to in your --

MR. SABATINO:

Yes. I did. I had a hard time deciphering, but --

CHAIRMAN GULDI:

-- in your opinion does it comply with the requirements of the form since it creates an exception?

MS. BRADDISH:

Again, it's the landlords trying to give you more than you really need. There is a requirement in the future to provide changes if there are any changes in the structure of the entity owning it. And what they're saying here is well, we gave you information of the brokerage firms and if they change we're not going to give you that information which is obvious and we don't even want it.

CHAIRMAN GULDI:

I see. I understand it's the landlords disclosure and what she's doing is puffing on the brokerage

firm because it's not her company.

MS. BRADDISH:

Right. And we're not even asking for that anyway. I mean, we only wanted it in the one instance we don't care about future changes. They had a tendency to give us more than we always wanted.

CHAIRMAN GULDI:

Okay. All right.

MS. BRADDISH:

But if you like I could I mean, if you choose to move I'll get that additional information provided before the meeting.

CHAIRMAN GULDI:

Anybody else have any questions?

LEGISLATOR HALEY:

George, I don't have a problem with the brokerage as it's spelled out it's pretty straight forward I think. Mr. Chairman, the brokerage I think is fine.

CHAIRMAN GULDI:

Okay.

LEGISLATOR HALEY:

I agree with you if they fill in the blanks on who the presidents are and if we could have that by Tuesday then we can discharge it.

CHAIRMAN GULDI:

We may entertain a discharge motion on that, but the other thing I'd like you to provide me with between now and Tuesday is the list of brokers that you're using for lease solicitation purposes and any scope limitation that they might have with respect to properties they will or will not be interested in either geographical or scale wise.

MS. ALLAR:

No problem.

CHAIRMAN GULDI:

Okay.

MS. ALLAR:

Yes.

CHAIRMAN GULDI:

In fact, if you'd like, well, you could provide it to me and I'll circulate it to all the committee members.

MS. ALLAR:

Okay. Very good.

MS. COSTIGAN:

Mr. Chairman, I would point out another mission that we're on is to open the market in terms of brokers we're seeking out publication opportunities for County sites. So we'll give you the list, but it's almost going to be immediately out of date.

CHAIRMAN GULDI:

Cause you're contemplating a change in procedures, is that what you're telling me?

MS. COSTIGAN:

I am, yes.

CHAIRMAN GULDI:

Okay. Well, provide us a list and we'll discuss the other issue separately. Thank you for bringing that to my attention though. On the lease given the lack of the one substantive requirement -- substantive or procedural requirement of the disclosure form I'll make a motion to table if that information could be corrected between now and Tuesday I'll entertain a motion the discharge perhaps at that time.

LEGISLATOR CARACCILO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. Anymore more discussion on this lease? All those in favor? Opposed? 2228 is tabled. 2328, excuse me. **(Vote: 7-0)**

2329. Authorizing the extension of a lease of premises located at 415 Oser Avenue, Hauppauge, NY for the Department of Social Services. ASSIGNED Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Now it's you turn Mr. Jones, come on down. I hope we don't have any of these problems with your lease.

LEGISLATOR CRECCA:

Motion.

CHAIRMAN GULDI:

Motion by Mr. Crecca.

LEGISLATOR HALEY:

Second.

CHAIRMAN GULDI:

Second by Mr. Haley. On the motion, could we get a synopsis on the lease terms?

MS. ALLAR:

The lease at 415 Oser Avenue is a renewal. The term expired September 30, 2001. The property consists of 59,850 square feet and we've been on a month to month and the landlord had filed an eviction notice on August 4, 2002. The Committee directed me to negotiate a lease renewal until we're ready to move out of the building. And this lease renewal is for two years through October 30, 2003.

CHAIRMAN GULDI:

Clarification of the lease term, please.

MS. ALLAR:

Excuse me.

CHAIRMAN GULDI:

The lease term.

MS. ALLAR:

Is through to the end of October 31, 2003, but we have to -- it actually is from October 1, 2001 through to October 31, 2003.

CHAIRMAN GULDI:

Now this comes to us because of the -- we cancelled our -- we exercised our cancellation right, no?

MS. ALLAR:

No. That's another lease.

CHAIRMAN GULDI:

Okay. That's another lease.

MS. ALLAR:

Right.

CHAIRMAN GULDI:

This on just expired and we need a short term renewal because we are constructed a different space at a different location.

MS. ALLAR:

Right.

CHAIRMAN GULDI:

The terms of the extension are compared to the base lease, how? What are the changes?

MS. ALLAR:

It's an additional \$2.00 per square foot. There's no annual escalation for the two-year period so we will be going up from 13.50 a square foot to 15.50 per square foot.

CHAIRMAN GULDI:

And that well within the range of your market survey?

MS. ALLAR:

Definitely.

CHAIRMAN GULDI:

Are we paying a broker on this one?

MS. ALLAR:

No.

CHAIRMAN GULDI:

Shocking.

MS. ALLAR:

But we don't pay for brokers' period.

CHAIRMAN GULDI:

I know.

MS. BRADDISH:

It should be noticed that the underlying lease has been modified as well with regard to if we do stay in the premises as a holdover there is a penalty provision and that was insisted upon by the landlord.

CHAIRMAN GULDI:

And what's the terms of the penalty provision?

MS. ALLAR:

The original penalty provision requested at the landlord was for a four months rent. I was able to negotiate it to --

MS. BRADDISH:

150%.

MS. ALLAR:

Which would be on a monthly basis an additional \$38,678 per month over and above what we're currently paying.

CHAIRMAN GULDI:

What's our sched -- all right, go ahead. I'll yield to Legislator Fields before we have an explosion.

LEGISLATOR FIELDS:

I'm just curious, I'm puzzled. Why are we looking at a lease commencing on or about October 1, 2001 in 2003?

CHAIRMAN GULDI:

That was answered. The lease expired in 2001.

LEGISLATOR FIELDS:

Right. But why are we doing it now? I don't understand what happened in 2002?

CHAIRMAN GULDI:

Somebody want to address that?

MS. ALLAR:

Because that's what the landlord had requested us to do. The committee, the Space Steering Committee had no problems with that and also you have to understand that the landlord was filing an eviction notice to move us out immediately. So we renegotiated these lease terms to the end of the expiration of lease.

LEGISLATOR FIELDS:

So we're being asked to approve a lease that you're already paying on and you've probably

already paid the increase.

MS. ALLAR:

No. We have not paid any increase.

LEGISLATOR FIELDS:

So when are you paying it?

MS. ALLAR:

We're paying the old rent.

LEGISLATOR FIELDS:

Okay. That's what I needed clarified.

CHAIRMAN GULDI:

Legislator Caracciolo you had questions, you asked to be recognized?

LEGISLATOR CARACCIOLO:

(inaudible)

CHAIRMAN GULDI:

The concern I have that you raised is that we are building new -- we have a landlord building new space that we intend to relocate to; that space is not finished today otherwise we wouldn't be looking at this lease. This lease has a penalty clause in it in the event that we are not out at its termination which penalty clause particularly in light of the rent is substantial. What obligation does the landlord who's constructing the new space have to meet that estimated completion time and to pick our additional costs in the event he fails to?

MR. JONES:

The landlord that's building the new building has a penalty clause. If they don't meet their deadline of June 23rd, actually, the end of June, June 30th of 2003 then if it is a -- if it goes on beyond that due to their not having do diligence they're responsible the penalty is \$100 per day.

CHAIRMAN GULDI:

A \$100 a day isn't \$38,000 a month. A \$100 a day is not material compared to \$38,000 a month, is it? It's less than 10% of it.

MS. BRADDISH:

I didn't draft the lease. I don't believe that's an accurate reflection of the penalty provision. I believe -- I didn't draft it, but I'll run back to my office. I really don't think that that's the case.

CHAIRMAN GULDI:

(inaudible)

MS. BRADDISH:

Pardon, me.

CHAIRMAN GULDI:

(inaudible)

MS. BRADDISH:

No. That was on the old Coram and since that time we've made quite a few changes and I would be and not like I said I didn't draft it I would be shocked if that were the figure.

CHAIRMAN GULDI:

It wouldn't be the first time I was shocked if it was the figure.

MS. BRADDISH:

I understand that and I'm going out on a limb here, but I really don't think that that's the per diem penalty clause.

CHAIRMAN GULDI:

Well, I'd like to see what I don't want to rely on recollection why don't we check the document and get us the information.

MS. BRADDISH:

Would you like it now, do you want me to call the office?

CHAIRMAN GULDI:

Yeah. If you could get it promptly why don't you. The four month lag between the deadline date for the new structure and the vacating this structure the concerns I have is are that if even the landlord on the new structure runs 30 days past due have we resolved our interior completion problems yet for the new space? And are we going to be ready as Suffolk County to move in? Literally, I'm concerned that we're putting our head on the chopping block under this lease.

LEGISLATOR FIELDS:

George, can we find out where the new building is?

CHAIRMAN GULDI:

Oh, yeah. I'm sorry I presumed. Answer the Legislator's question and mine, please.

MR. JONES:

The new building is located on Veterans Highway on the corner of North Ocean and Alexander Blvd. It will house just for your information again; to remind you it will house both our Family and Children Services Division as well as our Child Support Enforcement Divisions and our Adult Protective Services Divisions. And all of these people at 415 Oser are in our Child Support Enforcement and our Adult Protective Services so because this lease assuming this is approved they will become and perhaps I should wait for Legislator Guldi because it really goes to his question as well in terms of our plan to assume that we get the building in a timely fashion around the end of June. We believe we have a plan in place that would enable us to vacate 415 Oser in the timely way.

LEGISLATOR FIELDS:

Are they are schedule on Vets Highway there? I see it every morning and it looks like their doing a lot, but is it on schedule or is it delayed.

MR. JONES:

As of today as far as we know it is on schedule. They have provided and Ken Phalen is here from the Department of Public Works and could probably, you know, speak to that as well, but they provided a schedule and according to the schedule and with what they have shown us they're on schedule.

MR. PHALEN:

Good morning. Let me introduce myself, I'm Ken Phalen from Design Construction Division of DPW. In conjunction with Social Services we've been meeting bi-monthly with the landlord and our contracting agency for the new building and we've been working out any issues. As far we've been apprised and from what we've seen at the building they're on schedule. They have provided us with a scheduling chart till the end of completion of the building and we have been following that.

LEGISLATOR FIELDS:

And they're on time?

MR. PHALEN:

Yes.

LEGISLATOR FIELDS:

Can I ask just a really stupid question, what would happen if we didn't approve this lease?

CHAIRMAN GULDI:

We could go back to being evicted.

LEGISLATOR FIELDS:

How long does it take to get evicted?

CHAIRMAN GULDI:

It's called a summary proceeding in an ordinary course of business you could start the procedure in as little as eight days and anticipate being completed within less than 30 days. However, there are two problems with that one is that the eviction proceedings would customary commence in the district court and procedurally a district court judge would need to sign an order of eviction against the County and then the landlord would be in a position of giving it to none other than the Suffolk County Sheriff Department asking them to go to the County offices and put the County and plays on the street. So the eviction threat is somewhat complicated by virtue of the County being a tenant, but the ordinary procedure would be a summary proceeding in the district court given the location of this premises.

LEGISLATOR FIELDS:

So why do we have to approve this lease?

MR. JONES:

I think after a long discussion with the members of the Space Management Committee this has been brought up on numerous occasions in terms of what was the course of action that made sense from the County's perspective based on the fact that we were presented with an eviction notice. Initially, this lease was going to run until March of 2004 and that was presented to the Legislature as such and then based on the construction schedule that was given to us Real Estate went back to the landlord and he was agreeable to reducing that length of time to the end of October. And again, I mean, these discussions were held before the Space Committee and it was approved unanimously in terms of a step to be taken in dealing with this particular piece of business.

LEGISLATOR FIELDS:

I'm just a little concerned that we've kind of painted ourselves into a corner here that if

something happens. I mean, the cold weather has to do something to building. If we are delayed and we're paying a substantial penalty we're hurting ourselves. But if we don't sign this lease then we're not committed to paying that penalty.

MR. JONES:

Legislator Fields, if I may. I mean, that was exactly the issue that went before the Space Committee when we initially had the March 2004 end date for this lease extension and that was what if we are in fact completed on scheduled and move in in September then we have six months to March of 2004 for which we're paying rent with nobody in the building. So we went back and forth on this issue and based on hopefully a realistic timeframe for the completion of the building and the time that we need, the Department needs in order to put the workstations in, etc. we felt that the risk was better on this side of the equation. And, of course, he insisted upon the penalty because he wants to know what we're doing. We're either going to get out by October 30th or we're going to continue and as long as we continue once that period is over, you know, he has an ability to rent the premises.

CHAIRMAN GULDI:

The practical matter is the balancing the County's obligations to comport itself as any other business tenant were in occupancy we don't have a lease and (inaudible) correct that. The penalty clause frankly has always been problematic and it's penalty either way either if we extend the lease beyond our need for it or not. Unfortunately, the construction delay clause on the new premises certainly has enforcement as your clause or a clause that would exempted any delay if for example there were delay construction like a war in case as a hypothetical possibility. So we really are balancing it between the two. It wasn't until we got the personal assurance from Mr. Jones that we could take the penalty clause out of his paycheck each month that I personally supported this at the Space Management Committee.

MR. JONES:

I have no recollection.

CHAIRMAN GULDI:

No. But it is problematic; that is the issue we need to make a decision that's why it's before the committee and I think the issues been well framed. We have a motion to approve and a second. Member of the committee, please return to the horseshoe. We're going to be voting on the Oser Avenue lease. Mr. Crecca. Let's give it a second. On the motion to approve on the Oser Avenue lease extension. All those in favor? Opposed? Abstentions? Surprise, surprise. Approved unanimously. **(Vote: 7-0)** Okay, trying to move this agenda along because the next committee is already stacked up behind us.

1001. Sale of County-owned real estate pursuant to Local Law 13-1976 Donald H. Darbee Esq. as referee for WSZ Enterprises Inc. (0200-865.00-04.00-019.000).
ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

The premises was appraised at \$12,000.

CHAIRMAN GULDI:

Go ahead. \$12,000, how many bids?

MS. COSTIGAN:

The sale price is 35,000 and there were two bids. The next bid was 34,000.

CHAIRMAN GULDI:

Okay. And that was the last bid.

MS. COSTIGAN:

Right.

CHAIRMAN GULDI:

Motion to approve by Legislator Bishop – approved and placed on the consent calendar by Legislator Bishop second by myself. All those in favor? Opposed? 1001 is place on the consent calendar and approved. **(Vote: 7-0)**

1002. Sale of County-owned real estate pursuant to Local Law 13-1976 Aurelio Sesto (0500-179.00-03.00-060.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

This a 25 by 100 foot parcel appraised at \$4,000. There was one bid received at 4,000. The other adjacent homeowner did not bid.

CHAIRMAN GULDI:

Same motion by Legislator Bishop.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed?

SPEAKERS:

(inaudible)

CHAIRMAN GULDI:

It's alphabetical. Okay.

1003. Sale of County-owned real estate pursuant to Local Law 13-1976 Patricia J. Walsh (0200-973.70-04.00-057.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

This is a parcel that's 25 by 100 feet appraised at \$2800. The bid was 2801.

CHAIRMAN GULDI:

2801, one bidder. Same motion same second same vote. **(Vote: 7-0)**

1004. Sale of County-owned real estate pursuant to Local Law 13-1976 Billy's Carpet Co. Inc. (0500-346.00-01.00-024.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

Billy was the only bidder on 13 by 100 foot parcel. Appraised at \$1500.

CHAIRMAN GULDI:

And he bid \$1500.

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Same motion same second same vote. **(Vote: 7-0)**

1005. Sale of County-owned real estate pursuant to Local Law 13-1976 Cobble King, Inc. (0200-587.00-03.00-043.000 & 044.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

Cobble King, the parcel is 80 by 150. Cobble King bid \$15,000 which was the appraised value.

CHAIRMAN GULDI:

And there are no other bidders.

MS. COSTIGAN:

Three other potential bidders none of whom bid.

CHAIRMAN GULDI:

One of the three potential bidders was Cobble King on another parcel. Same motion same second same vote. **(Vote: 7-0)**

1006. Sale of County-owned real estate pursuant to Local Law 13-1976 Henry Patrick Boodie & Audrey M. Boodie (0400-166.00-01.00-103.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

The Boodie's bid \$100 which was the appraised value on this 29 by 80 by 86 foot parcel.

CHAIRMAN GULDI:

You said 100 or 600?

MS. COSTIGAN:

600, thank you.

CHAIRMAN GULDI:

Which is the appraised value no additional bid. Same motion same second same vote. **(Vote 7-0)**

1007. Sale of County-owned real estate pursuant to Local Law 13-1976 Knute Bysheim (0500-289.00-05.00-062.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

MS. COSTIGAN:

On this parcel the appraised value is 5,000 for a 50 by 108 foot parcel. The winning bid was \$5,001.

CHAIRMAN GULDI:

\$5,001 and not competing bid. Same motion same second same vote. **(Vote 7-0)**

1008. Sale of County-owned real estate pursuant to Local Law 13-1976 Suffolk County Water Authority (0800-167.00-04.00-048.004). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) I hope they bid it up.

MS. COSTIGAN:

The appraised value of this 36 by 682 by 626-foot parcel was \$12,500, which was bid by the Water Authority.

CHAIRMAN GULDI:

Now this as a matter of clarification for the new members. This for example has five other, four other adjacent property owners. Each of those property owners were notified by mail, certified mail or regular mail.

MS. COSTIGAN:

Certified.

CHAIRMAN GULDI:

Certified mail and of the auction the appraised value and the opportunity to bid it.

MS. COSTIGAN:

That's correct.

CHAIRMAN GULDI:

And that is the way we do on all of them.

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Okay. On 1008, same motion same second same vote. **(Vote: 7-0)** Local Law 16's, 1009, 10, 11, 12, and 13 are Local Law 16's, the owners of those receptively are --

MS. COSTIGAN:

In the first instance it's the mortgagee, Spirose Realty.

CHAIRMAN GULDI:

Spirose Realty Corp. The second instance it's the executrix of the estate of David Rodes, the third interest is the Samuel Hightower, Jr. 1012 is James A. Jarmond and 1013 is Vito Valenti and Rose Valenti surviving tenants in common. The estate of Phil Valenti was 1013. Now with respect to these --

MS. COSTIGAN:

On all of these all taxes have been paid including the 2003 taxes are paid prior to delivery of the deed.

CHAIRMAN GULDI:

And all of these are within the six months of the taking by the County.

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Is that correct? Any other questions? On the motion I'll make a motion to approve and place on the consent calendar 1009 to 1013.

LEGISLATOR CARACCILO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. Any discussion? All those in favor? Opposed? Approved and on the consent calendar. **(Vote: 7-0)**

1009. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Spirose Realty Corp. (0100-164.00-01.00-006.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance

1010. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carol J. Rodes, as Administrator of the Estate of Helen Rodes, as to a ½ interest and Lela Rodes, as Executrix of the Estate of David Rodes, as to a ½ interest (0400-064.00-01.00-046.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

1011. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Samuel Hightower, Jr. (0500-442.00-01.00-016.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

1012. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James A. Jarmond (0100-079.00-01.00-038.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

1013. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Rose Valenti, Executrix of the Estate of Phil Valenti a/k/a F. Phil Valenti a/k/a Felice Vito Valenti and Rose Valenti, Surviving Tenant in Common (0200-980.70-08.00-001.000). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

CHAIRMAN GULDI:

1014. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southold, Suffolk County Tax Map No. (1000-056.00-04.00-019.000) pursuant to Section 40-D of the Suffolk County Tax Act. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) It's a certificate of abandonment so there is no name of the party.

MR. SABATINO:

It's an estate 14 and 15 are in tandem because the same party's. Reading the backup it appears as though somebody died with seven heirs. What's not clear is how the notification failed, but it looks thought that notification was given to the estate, but the estate wasn't being administered

that the point that's not clear, but the two should be read in tandem they go together.

MS. COSTIGAN:

Notification was given to the son who was the executor of the estate, but at that point the estate had already deeded out and there are eight heirs that we should have served and we didn't.

CHAIRMAN GULDI:

I see. So the, well, the state representative go a notification it was post deed to the eight heirs some of whom did not receive notification.

MS. COSTIGAN:

That's correct.

CHAIRMAN GULDI:

At lease some of them therefore creating Mennonite defect in our deed. Motion to approve and place on the consent calendar by myself.

LEGISLATOR HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. All those in favor? Opposed? Approved and placed on the consent calendar. **(Vote: 7-0)**

1015. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southold, Suffolk County Tax Map No. (1000-056.00-04.00-024.000) pursuant to Section 40-D of the Suffolk County Tax Act. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Same owner same circumstances?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Same motion same second same vote. **(Vote: 7-0)** Now we're moving the Finance agenda.

Finance:

2308. To readjust, compromise, and grant refunds and chargebacks on correction or error/County Treasurer By: County Legislature #157. ASSIGNED Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

LEGISLATOR CRECCA:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Crecca to approve and place on the consent calendar or to approve?

LEGISLATOR CRECCA:

Yes.

LEGISLATOR HALEY:

Yes. And Legislator Crecca also wants to do the same with 2308, 2309, 2310 and 2311.

LEGISLATOR CRECCA:

You know, you read my mind.

CHAIRMAN GULDI:

Okay. 2309, 2310, 2311. Motion to approve and place on the consent calendar. Any questions by any members of the committee? Haley's the second. All those in favor? Opposed? There on the consent calendar. **(Vote: 7-0)**

2309. To readjust, compromise, and grant refunds and chargebacks on correction or error/County Treasurer By: County Legislature #158. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

2310. To readjust, compromise, and grant refunds and chargebacks on correction or error/County Treasurer By: County Legislature #159. ASSIGNED Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

2311. To readjust, compromise, and grant refunds and chargebacks on correction or error/County Treasurer By: County Legislature #160. ASSIGNED Ways & Means, Real Estate Transactions & Finance (Co. Exec.)

2337. Adopting Local Law -2002, A Local Law to authorize Tobacco Securitization Program for future County revenue shortfalls. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Binder)

LEGISLATOR CARACCILO:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo second by (inaudible)

LEGISLATOR CRECCA:

Tabled subject to call maybe?

CHAIRMAN GULDI:

Do I hear a motion to table subject to call? I'll second the table subject to call motion and that motion takes precedent does it not, Counsel?

MR. SABATINO:

Yes. It does, Mr. Chairman.

CHAIRMAN GULDI:

Motion to table subject to call before us. Frankly, the reason table subject to call is it's premature to even carry it on the agenda to discuss it. Yeah, as tabled subject to call we can pull it back in the next six months.

SPEAKER:
(inaudible)

CHAIRMAN GULDI:

Yes. It is a matter of opinion, but as tabled subject to call it can be called back to our agenda anytime that more than one member of the committee wants to. Okay. All those in favor? Opposed?

LEGISLATOR CARACCILO:
Opposed.

CHAIRMAN GULDI:

It's tabled subject to call. 6-1. **(Vote: 6-1-0-0 Opposed: Caracciolo)**

2340. Authorizing the Finance and Financial Services Committee to issue subpoenas in connection with the Suffolk county Employee Medical health Plan (EMHP). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance. (Crecca)

LEGISLATOR CRECCA:
Motion.

CHAIRMAN GULDI:

Motion by Legislator Crecca second by Legislator Caracciolo. Frankly, this bill points out the need for legislation I'm putting into the next packet. This process started in October of last year. We still have not got authority to issue a subpoena to get information about an ongoing investigation. It's now January, I'll be February effectively before we get the data.

LEGISLATOR CRECCA:

I didn't file the bill though until December.

CHAIRMAN GULDI:

But still understandably because you made efforts to not need the subpoena which is an understandably and unusual part of the process. The bill I'm putting in is one that's calculated to remove the four months delay for any information before all committees and we'll be discussing that as it comes up. But on this issue are there any questions by Legislators? All those in favor? Opposed? Approved unanimously. **(Vote: 7-0)**

1000. Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) I don't know why exactly it appears here on the agenda, but here it is. Motion to approve by myself. This is -- frankly, it's a function of doing the math.

MR. SABATINO:

The annual authorization -- this is for \$2005 or less. It avoids the necessity for you to vote on individual tax adjustments below that amount.

CHAIRMAN GULDI:

How about consent calendar.

LEGISLATOR CRECCA:

It's fine with me.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar.

LEGISLATOR HALEY:

Second.

CHAIRMAN GULDI:

Seconded. All those in favor? Opposed? 1000. **(Vote: 7-0)**

Other:

2313. Authorizing the sale of one surplus County car to the William Floyd School District. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle)

LEGISLATOR HALEY:

Motion.

LEGISLATOR FISHER:

Second.

CHAIRMAN GULDI:

Are we looking for the consent calendar on cars, gentlemen?

LEGISLATOR HALEY:

On the motion.

LEGISLATOR BISHOP:

No.

CHAIRMAN GULDI:

Why it requires 2/3's. When is the consent calendar failed to get 2/3's? It's absolutely where it belongs.

LEGISLATOR HALEY:

I don't agree with this on a consent calendar because the issue I understand in the near future when we get to this -- in the near future I think Audit and Control is doing an audit of this particular program and what's happening with vehicles and what the cost are because apparently there's, you know, I think right now Counsel we're basically \$200 --

CHAIRMAN GULDI:

-- \$300 --

MR. SABATINO:

The statute says 200. I mean, we have a lot of resolutions you're right where the recommended value is substantially higher than that.

LEGISLATOR HALEY:

Yeah. We're running for instance I learned yesterday of a vehicle that was worth five to six thousand dollars that's being transferred. And you know I think we have to look at --

LEGISLATOR CRECCA:

-- well, that's fine so lets just run through these then.

CHAIRMAN GULDI:

All right. Motion to approve by Fisher second by Crecca.

LEGISLATOR CARACCILOLO:

Mr. Chairman, as you read the resolution would you look at the backup and site the mileage. This is 179,000 mile vehicle.

CHAIRMAN GULDI:

Yeah. Frankly, I would, but I'm not for some reason at this point this is the point in which my book ends and I don't have any of the future resolutions on the agenda which makes it somewhat problematic in running the meeting it's something my staff would avoid in the future. Do you have the resolutions? I would be glad to put it into -- that's all right. Beatings will be administered shortly after the committee.

LEGISLATOR HALEY:

That's good, Mr. Chairman because maybe you'll reduce your banter a little bit.

CHAIRMAN GULDI:

Okay. 2313 is to William Floyd School District it's a 1986 Chevy with 179,000 miles on it for \$200.

LEGISLATOR FISHER:

Okay. We already approved that.

CHAIRMAN GULDI:

No. We haven't voted on it yet. Motion by Legislator Fisher second by Legislator Crecca. All those in favor? Opposed? Approved. **(Vote: 7-0)**

LEGISLATOR CRECCA:

None of these are going to get on.

CHAIRMAN GULDI:

It doesn't matter, if you have one objection it doesn't go on the consent calendar anyway. Okay.

2314. Authorizing the sale of one surplus County car to Colonial Youth and Family Services. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle)

1994 Chevy Van with unknown mileage for \$200 to the Colonial Youth and Family Services. Same motion same second same vote. **(Vote: 7-0)**

2315. Authorizing the sale of two surplus County cars to Shirley Community Ambulance. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle)

Two vehicles both with unknown mileage a 93 and a 95 Ford for \$200 a piece.

LEGISLATOR FIELDS:

Excuse me. Legislator Guldi.

CHAIRMAN GULDI:

Same motion same second --

SPEAKER:

What's the mileage?

CHAIRMAN GULDI:

Unknown.

LEGISLATOR FISHER:

Unknown.

CHAIRMAN GULDI:

But they're more that 10 years old. All those in favor? Opposed? **(Vote: 7-0)**

LEGISLATOR FIELDS:

Legislator Guldi.

CHAIRMAN GULDI:

Yes.

LEGISLATOR FIELDS:

Could we just get an answer from Basia so she can leave?

CHAIRMAN GULDI:

Oh, is she here?

LEGISLATOR FIELDS:

Yeah.

CHAIRMAN GULDI:

She's back, come use the microphone please.

LEGISLATOR FIELDS:

Just on the penalty charge I guess per day.

MS. BRADDISH:

I don't have that information.

CHAIRMAN GULDI:

They couldn't find the lease to read it.

MS. BRADDISH:

No. Everybody's out to lunch. My leases you can't find on my desk and I actually didn't want them to move anything.

CHAIRMAN GULDI:

So you'll find it and get it back to us by Tuesday, please.

MS. BRADDISH:

But I did find out on the Sun on the Lazer Court lease as an LLC they don't have to have officers. They only have to have a member and she is the only member, she is the sole member.

CHAIRMAN GULDI:

Sole member and meets the statutory requirement. All right. So let's go back to that. Lets finish where we are. We may reconsider the tabling on that motion.

2316. Authorizing the sale of two surplus County cars to the South Country School District. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle)

Which one are you up to?

LEGISLATOR FISHER:

2316

CHAIRMAN GULDI:

Same motion same second same vote. This is two cars, a '96 Chevy pickup and a '95 GMC pickup both with 101,630 and 102,000 at \$200 a piece. Same motion same second. All those in favor? Opposed? Abstentions? **(Vote: 7-0)**

LEGISLATOR BISHOP:

On the motion of 2317.

CHAIRMAN GULDI:

Yes.

LEGISLATOR BISHOP:

2317, 2318 and 2325, what I want to understand is the program to transfer cars? What is the authority to transfer to any not for profit organization? To transfer car to any organization that needs cars as part of its responsibility?

MR. SABATINO:

The statute that was adopted provides three categories. The auxiliary police get first claim; then municipalities and then the third category are not for profits. It requires a 2/3 vote for any of those. Not for profits or non-profits.

LEGISLATOR BISHOP:

And there's no requirement that they have to make a statement that they need the car for their functions the function of the not for profit? Like we have a football league, now they need a car to further the goals of the league?

MR. SABATINO:

That's not part of the statute; that's part of the independent exercise of judgement that should be applied to each resolution.

LEGISLATOR BISHOP:

Legally, I know legally does a hot line for suicide prevention, but do they transport people.

CHAIRMAN GULDI:

I think that's a question for the sponsor of the bill. The first one we have is 2317.

MR. SABATINO:

2317 should be tabled because a request was made last night for a corrected copy.

LEGISLATOR BISHOP:

The police museum what --

CHAIRMAN GULDI:

Police museum wants a 1996 Ford Suburban with 107,000 miles on it for \$200. Motion to table by myself. Second by Legislator Bishop. All those in favor? Opposed? 2317 is tabled. **(Vote: 7-0)**

2317. Authorizing the sale of one surplus County car to the Suffolk County Police Museum. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle)

2318. Authorizing the sale of one surplus County car to the Lynvet Football Club. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle) 1994 Chevy Van with 96,000 miles -- plus miles on it, \$200.

LEGISLATOR BISHOP:

It's a van?

CHAIRMAN GULDI:

Yes. To the football club.

LEGISLATOR FIELDS:

Can I -- wait.

CHAIRMAN GULDI:

Legislator Fields then Legislator Haley.

LEGISLATOR FIELDS:

I have a -- I had a resolution several months ago to transfer either a pickup truck or a van to the Soil and Water District and I was told by DPW that they didn't have a car available. And now I'm seeing all these vans and pickups that are being given to someone outside of the County when we really need it in the County. So I would ask that we table this till I get an answer from DPW on any van and any pickup truck till I know what the answer is from them.

CHAIRMAN GULDI:

Well, Counsel, isn't DPW required to circulate the list of surplus vehicles to all legislative offices?

MR. SABATINO:

Yes. The predicate for all these resolutions is that periodically there's a master list of available vehicles deemed to be surplus that's filed with the Clerk of the Legislature and made available to Legislators for these very purposes. If there was a glitch or something in terms of Public Works making the determination I wouldn't be aware of that.

CHAIRMAN GULDI:

Okay. Legislator Fields motion to table 2318.

LEGISLATOR FIELDS:

Oh, you know, what how about we discharge it without recommendation. I will get an answer before Tuesday.

CHAIRMAN GULDI:

Fine. Motion to discharge without recommendation by Legislator Fields second by myself. Legislator Haley on the motion.

LEGISLATOR HALEY:

What's to preclude these groups --

CHAIRMAN GULDI:

-- selling them at a profit, nothing.

LEGISLATOR HALEY:

Nothing.

LEGISLATOR FISHER:

There's no reverter clause.

CHAIRMAN GULDI:

There are no reverter clauses on ten-year-old cars with 100,000 miles on it.

LEGISLATOR HALEY:

Okay.

CHAIRMAN GULDI:

Okay. On the motion to discharge without recommendation. All those in favor? Opposed? Discharged without recommendation. **(Vote: 7-0)**

2319. Authorizing the sale of two surplus County cars to the William Floyd School District. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle) A 1993 Ford pickup with unknown mileage and a 1995 Ford van with 103,000 miles on it. Same motion by Legislator Fields second by myself. All those in favor? Opposed? Discharged without recommendation. **(Vote: 7-0)**

2320. Authorizing the sale of one surplus County car to the Mastic Moriches Shirley Community Library. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Towle) Same motion same second. It's a Ford Ranger with 92,808 miles on it, 1996. On the motion to discharge without recommendation. All those in favor? Opposed? Discharged without recommendation. **(Vote: 7-0)**

2321. Authorizing certain technical correction to Adopted Resolution 865-2002. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Bishop) Counsel, briefly the technical correction is?

MR. SABATINO:

Simply a project number for a storm drainage resolution that was previously appropriated.

CHAIRMAN GULDI:

Changing 865-2002 changing the number from 210 to 310. Motion to approve and place on the consent calendar by Legislator Bishop second by myself. All those in favor? Opposed?

Approved. **(Vote: 7-0)** The last one does anyone have a copy of the resolution it's...

2325. Authorizing the sale of two surplus County cars to the Long Island Gay and Lesbian Youth (LIGALY). ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Postal) What's the car?

LEGISLATOR FIELDS:

Ford, '94 Ford van, 158,547 miles and 1995 Chevy Suburban 118,000 miles.

CHAIRMAN GULDI:

Motion to table by Legislator Bishop.

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. On the tabling motion, someone want an explanation?

LEGISLATOR BISHOP:

Unless there is someone here who can explain --

CHAIRMAN GULDI:

-- what they're going to do with car?

LEGISLATOR BISHOP:

Right. I don't quite get it.

CHAIRMAN GULDI:

Okay, fine. So lets inquire and ask them or with the sponsor what they're going to use the car for. All those in favor? Opposed? Tabled. **(Vote: 7-0)**

1016. Approving payment in General Code Publishers for Administrative Code pages.

ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Pres. Off.) Motion to approve and place on the consent calendar by myself second by Legislator Haley. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar. **(Vote: 7-0)**

1018. Authorizing certain technical correction to Adopted Resolution No. 1007-2002.

ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Co. Exec.) Counsel, the technical correct is?

MR. SABATINO:

The tax adjustment amount would be decreased from 6817.83 to 5832.54.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself second by Legislator Haley. All those in favor? Opposed? Approved. **(Vote: 7-0)**

1019. Authorizing the sale of surplus County cars to the Marine Helicopter Squadron 361 Veterans. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Caracciolo) This is a 1989 Ford pickup with 107,000 miles on it for the sum of \$1,000.

LEGISLATOR CARACCILOLO:

I get better money than you guys.

CHAIRMAN GULDI:

And 1995 GMC pickup with 103,000 miles on it for the sum of \$3,500. I make a motion that we put Legislator Caracciolo in charge of the Suffolk County used cars sales divisions since there's clearly no one more qualified here to sell a used car. Motion to approve and place on the consent calendar or do you want me to torture you are the record at the meeting as well? Motion to approve second by myself. Discussion? All those in favor? Opposed? **(Vote: 7-0)**

1020. Authorizing use of Sagtikos Manor property by Bay Shore Chamber of Commerce for fundraiser for Sagtikos Manor Historical Society. ASSIGNED TO Ways & Means, Real Estate Transactions & Finance (Carpenter)

LEGISLATOR FISHER:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Fisher second by myself -- second by Legislator Fields. All those in favor? Opposed? **(Vote: 7-0)** Let's go back to the lease that we were waiting for the clarification on the disclosure statement on which was 50 Lazer Court, Hauppauge. Resolution # 2328 on page, not numbered on my agenda. Let's correct that in the future staff.

LEGISLATOR CRECCA:

Motion.

CHAIRMAN GULDI:

Motion to reconsider by Legislator Crecca second by myself. Discussion on the reconsideration. Discussion? All those in favor? Opposed? It's approved. It's now before us. We have a motion by Legislator Crecca to approve.

LEGISLATOR CRECCA:

Yes.

CHAIRMAN GULDI:

Second by Legislator Haley. Discussion on the approval motion, anyone want to make a statement? This one is actually more than \$200 for a car.

LEGISLATOR FISHER:

(inaudible)

CHAIRMAN GULDI:

We had extensive discussion; I just wanted to give anyone an opportunity to explain their votes.

LEGISLATOR CRECCA:

I would just like to say, no, I would not like to have any discussion.

CHAIRMAN GULDI:

All those in favor? Opposed?

LEGISLATOR CARACCIOLO:

Abstain.

CHAIRMAN GULDI:

One abstention. Approved 6-1. **(Vote: 6-0-1-0 Abstained: Caracciolo)**

LEGISLATOR BISHOP:

Motion to adjourn, but on the motion I want to know, do I have to attend the General Meeting now that I voted on every resolution in committee?

CHAIRMAN GULDI:

No. And we don't need to vote on the motion to adjourn we're recessed.

(The meeting was adjourned at 1:05 P.M.)

{ } denotes spelled phonetically)

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